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U.S. Forest Service: Incompetent? page 14

Environment & Climate News

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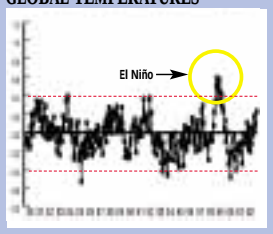
Is *this* global warming?

GLOBAL TEMPERATURES



Each month, *Earth Track* updates the global averaged monthly satellite measurements of the Earth's temperature. *See page 4*

Bush announces Kyoto alternative

BY JAMES M. TAYLOR

American businesses would be asked to register with the federal government to create an inventory of greenhouse gas emissions and be eligible to trade emission "credits" according to a program announced by President George W. Bush on February 14. The new program is designed to be an economy-friendly alternative to the repudiated Kyoto Protocol, but critics say it could lead to mandatory caps on emissions.

Greenhouse gases tied to GDP

The Bush administration believes America can cut its greenhouse gas intensity per unit of gross domestic product by 18 percent over the next 10 years. The plan would not impose an arbitrary ceiling on America's total carbon dioxide emissions, but would work toward ensuring that whatever economic activity occurs would produce less greenhouse gases than is currently the case.

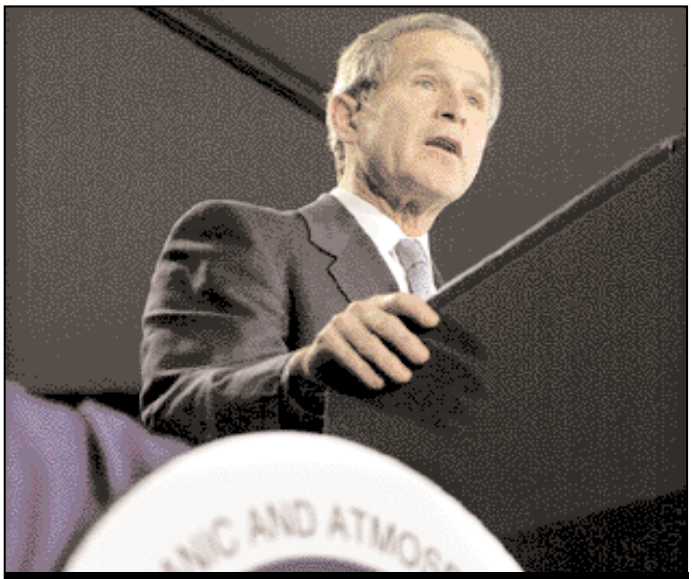
Companies registering for the voluntary program would report their greenhouse gas output, be allowed to trade newly created greenhouse gas credits with one another, and qualify for government subsidies to reduce their emissions.

The White House estimates the U.S. will produce 183 metric tons of greenhouse gas emissions per million dollars of gross domestic product in 2002. According to the President's new goals, the U.S. would emit just 151 metric tons per million dollars of GDP by 2012. The total amount of all emissions in any given year would depend on the economy's performance.

"Today, I announce a new environmental path for America which will benefit the entire world," said Bush in prepared remarks. "This new approach is based on the common-sense idea that sustainable economic growth is the key to environmental progress because it is growth that provides the resources for investment in clean technologies."

Whitman announces Climate Leaders

KYOTO continued on page 6



U.S. President George W. Bush unveils his initiative to combat global warming in a speech at the National Oceanic and Atmospheric Administration February 14, 2002 in Silver Spring, Maryland. Photo: Mike Theiler/Reuters

NAS debunks Klamath water shutoff

Junk science costs farmers millions of dollars

BY JAMES M. TAYLOR

The federal shutoff of irrigation water last year to farmers around Upper Klamath Lake on the Oregon-California border not only was unnecessary to preserve allegedly endangered suckerfish and salmon, but likely harmed the fish, according to a report submitted on January 31 by the National Academy of Sciences to the federal government.

The federal Bureau of Reclamation on February 27 announced plans to release irrigation water from Upper Klamath Lake to area farmers in time for the 2002 growing season.

The 26-page NAS report concluded there was "no substantial scientific foundation" for claims that Upper Klamath Lake water levels need to be kept high to dilute the runoff of agricultural and other sediments into the lake. To the contrary, the report concluded the shutoff of water to local farmers likely harmed allegedly endangered fish by artificially raising water temperatures, especially in and around cold springs to which fish retreat to avoid the summer heat. The NAS report noted the best-ever year for Klamath fish populations occurred during a low-water year.

KLAMATH continued on page 8

Senate rejects tighter CAFE as new data link program to thousands of deaths

BY JAMES M. TAYLOR

A federal program initiated in response to the 1973 Arab oil embargo was rejected by the U.S. Senate on March 12, when Senators from both parties opted only to require that the Department of Transportation develop new standards within two years.

The 62-38 vote, on a measure sponsored by Sens. Carl Levin (D-Michigan) and Christopher Bond (R-Missouri), represented a major loss for environmentalists and hard-liners in the Senate who wanted corporate average fuel economy (CAFE) standards tightened immediately.

In a separate 56-44 vote, the Senate also passed an amendment by Sen. Zell Miller (D-Georgia) ordering that pickup trucks be exempted from future mandated standards.

Democratic Senators John Kerry of Massachusetts and Ernest Hollings of South Carolina had proposed a bill that would require new cars and light trucks to average 35 miles per gallon by 2013. Republican Senator John McCain of Arizona supported a similar bill that would impose a requirement of 36 miles per

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Unraveling DNA fear-mongering

BY JAY LEHR, PH.D.

DEAR EDITOR,

Managing Editor's note: Dr. Jay Lehr, science director for The Heartland Institute, wrote the following letter to the editor of Harper's *magazine on February 15, in response to an article by Barry Commoner.*

There are exceptionally serious flaws in Barry Commoner's article, "Unraveling the DNA Myth," which appeared in your February 2002 edition. Before describing them, however, it must be said that Dr. Commoner exhibits a unique brilliance in his capacity to precisely distill the essence of genetics and genetic engineering in the introductory tutorial that greets your readers.

Unfortunately, much as a broken record continuously exhibits its flaw, Dr. Commoner eventually lapses back to his long-held bias against advancing technologies, man's propensity to capitalize on these advances, and finally his inherently gloomy outlook which rarely holds out hope for mankind.

All of us involved in biotechnology understand that we have only scratched the surface of this advancing science, just as cosmologists know they have far to go in verifying or even truly understanding string theory. But in the meantime, string theory has been successfully used to puzzle out once seemingly impossible dilemmas. Likewise in genetics we are safely using the little we do know to aid humanity now rather than waiting till all knowledge of the human genome and proteome is unraveled.

Unlike Commoner's claims of inherent doom emanating from current work, the simplest knowledge is solving the simplest problems. Francis Crick may indeed have been arrogant in his claims for DNA and RNA, but certainly not nearly so much as all those who believe that man, not the sun, controls our climate.

Crick's claims for DNA led geneticists to follow a path which has been amazing in its ability to uncover exponentially expanding knowledge, even if it leads to the undoing of some of his own ideas.

Dr. Commoner, on the other hand, ultimately shows his cards to be those of a gloomy obstructionist using his unquestioned genius to restrain rather than advance the human condition.

An excellent example of this is his complaint that the "central dogma" of genetics dictates the ability of the DNA molecule to faithfully duplicate its 3 billion nucleotides in their precise order. In fact, for this to occur it does indeed require the assistance of certain special protein enzymes to maintain an error rate of one in ten million nucleotides and then a few "repair" enzymes, also proteins, to repair those errors, bringing the accuracy to one error in 10 billion nucleotides. Most of us in genetics marvel at this incredible result, but Commoner simply uses this marvel to criticize Crick and his legion of co-workers.

"Commoner's real goal is to scare the world away from helping its least fortunate, thereby kicking them off the bottom rung of life's ladder and thus reducing the world's population."

Commoner's accurate description of the impact of protein folding on the potential capability of the individual proteins is the basis for much of the study of the new field of Proteomics. We certainly do recognize that any one of the individual 30,000 known genes will likely produce 100,000 protein capabilities in the control of life. We are quite confident that these variations will be subtle rather than having the capacity to create some human plague.

It is the latter scenario Commoner wishes the public to embrace. He can then deter biotechnology from properly feeding the world the nutritious diet all people need as well as the vitamins to stave off childhood blindness and the iron to eliminate vast iron deficient populations. He would also eliminate crops that resist the pests which destroy 40 percent of the stored grain in the third world leaving behind microtoxins which account for 25 percent of premature death in those locations.

"[M]uch as a broken record continuously exhibits its flaw, Dr. Commoner eventually lapses back to his long-held bias against advancing technologies ..."

Commoner's real goal is to scare the world away from helping its least fortunate, thereby kicking them off the bottom rung of life's ladder and thus reducing the world's population. He correctly states in his article that genetically enhanced crops now account for 68 percent of U.S. soybean production, 26 percent of our corn, and 69 percent of our cotton. Contrary to Commoner's misguided desires, and happily for the rest of the world, these numbers will rise dramatically during this decade to the benefit of all society.

Commoner and his colleagues in the more strident environmental groups are in business today in competition with the biotechnology industry. The average biotech company's goal is to provide better nutrition for the citizens of this planet while making a profit for its stockholders. Commoner's business is to package and sell fear. He does it very well, as he describes in his *Harper's* article things not fully understood as likely to "give rise to unintended, potentially disastrous consequence." In fact, we have little record in science of small variation of knowledge producing Frankenstein monsters, yet the visual image continues to be used effectively by those who trade in fear.

Had they been around a little over 100 years ago, you can be sure there would exist no electricity and no internal combustion engine. We would be a world traveling on horseback eating a diet compromised by the fact that most land would be farmed to produce fodder for those horses, each of which produce 45 pounds of vermin-infested manure each day. There would be no forests left because we would have used every last stick of wood to burn or build. The term "natural habitat" would not even be recognized by a population subjected to the dark ages by the fear-mongering of Dr. Commoner and his fellow travelers.

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Nevada rancher wins landmark "takings" case

Ranchers with grazing allotments have property rights, must be compensated for regulatory takings

BY J. ZANE WALLEY

A long-anticipated decision on *Hage v. United States*, a takings case filed by Nevada ranchers Wayne Hage and family, was issued by Senior Judge Loren A. Smith on January 29.

The Hages had filed their takings claim against the U.S. Forest Service and Bureau of Land Management in 1991, after excessive regulations and physical takings of their property had run them out of business. They filed their case in the U.S. Court of Federal Claims in Washington DC, placing before the court an important question: "What property rights do ranchers own on their grazing allotments?"

Smith ruled Hage owns extensive property rights: water rights, 1866 Act ditch rights of way, the right to have his livestock consume the forage adjacent to his waters, and right of access to his waters.

"The court specifically rejected the position of the BLM and Forest Service that ranchers have no property rights on their grazing allotments," explained Hage attorney Ladd Bedford. "The court further stated that if the government's interference with these rights makes it impossible for the rancher to use them, the government will be required to pay compensation for their loss."

In addressing the issue of the Hages' access to their water rights, Smith noted:

"The Government cannot deny citizens access to their vested water rights without providing a way for them to divert that water to another beneficial purpose if one exists. The Government cannot cancel a grazing permit and then prohibit the plaintiffs from accessing the water to redirect it to another place of valid beneficial use. The plaintiffs have a right to go onto the land and divert the water."

The court did rule against Hage's argument that he owned the surface estate of his grazing allotments, but Hage said he was not troubled by that aspect of the court's position. "When you combine everything the court has ruled that we own in this final decision, it is clear that the key property rights essential to a western livestock grazing operation are recognized," noted Hage.

The court also clarified the relationship between the rancher and the grazing permit system by ruling the grazing permit is a license and the government has the authority to exercise reasonable regulations. Nevertheless, the landmark decision is likely to protect ranchers against abusive grazing regulations if those regulations cause the taking of access to the ranchers' 1866 Act ditch rights of ways or water rights.

> **"We now have the most important legal precedent set in modern times to protect these rights, and we look forward to ... proving the government must compensate western ranchers when their actions go too far."**
>
> FRANK DURAN, PRESIDENT
> STEWARDS OF THE RANGE

"For the first time in history, a federal court has defined the balance between the western ranchers' property rights and the government's ability to regulate," explained Bedford. "This decision is a major step forward for the security of federal land ranchers."

The court has established an aggressive briefing schedule to complete the final phase of the case: determining whether the Hages' property rights, as described by the court's Final Decision, were in fact taken by the government. If the Hages prevail in this final stage, compensation will be awarded to them for the taking of their property, and the rights of ranchers everywhere will have the same protection.

"For ten years, Stewards of the Range and its members have been working towards the protection of ranchers' property rights," commented Frank Duran, president of Stewards of the Range, which funded and supported the Hages' litigation since its filing in 1991.

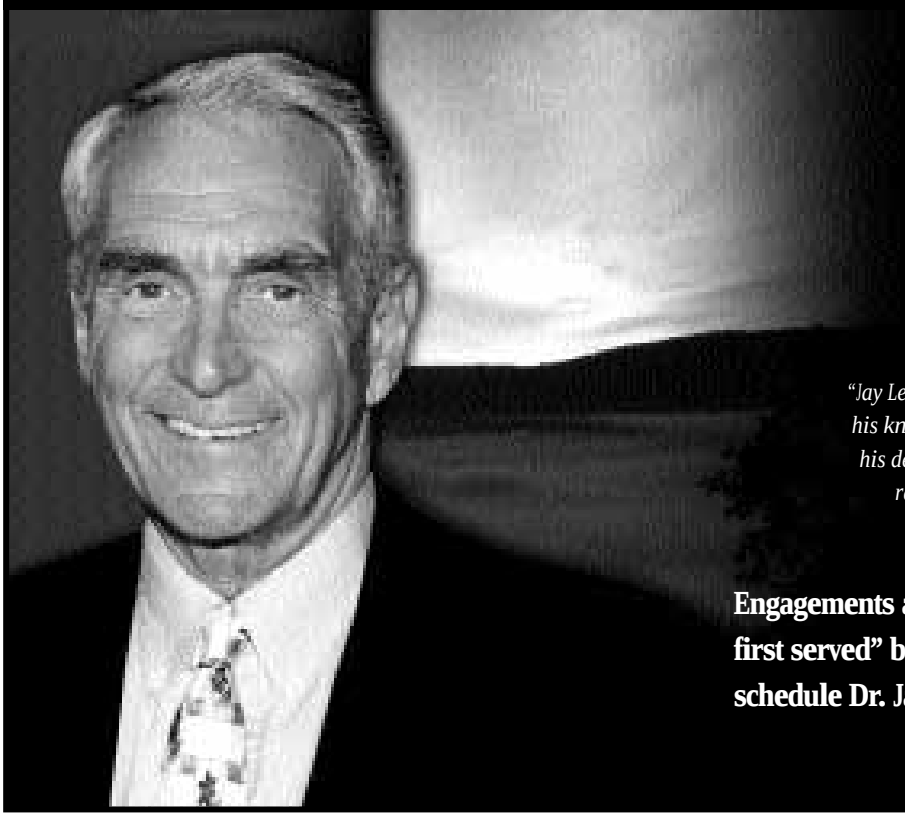
Duran continued, "We now have the most important legal precedent set in modern times to protect these rights, and we look forward to winning the next and final round, proving the government must compensate western ranchers when their actions go too far."

J. Zane Walley is a grantee of the Paragon Foundation.

FOR MORE INFORMATION

WWW Visit the Stewards of the Range Web site at **www.stewardsoftherange.org**.

Looking for an outstanding speaker?



Who is Dr. Jay Lehr?

Dr. Jay Lehr is an internationally renowned motivational speaker, scientist, and author. He is considered the world's leading authority on groundwater hydrology. Dr. Lehr is Science Director for The Heartland Institute, a nonprofit think tank based in Chicago, Illinois, and he's ready to speak to *your* group.

"Jay Lehr is an outstanding communicator, his knowledge of his subject is superb and his delivery is very engaging. He held the rapt attention of our audience."

C. BOOTH WALLENTINE
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Engagements are scheduled on a "first come, first served" basis. Call 312/377-4000 today to schedule Dr. Jay Lehr to keynote your next event!

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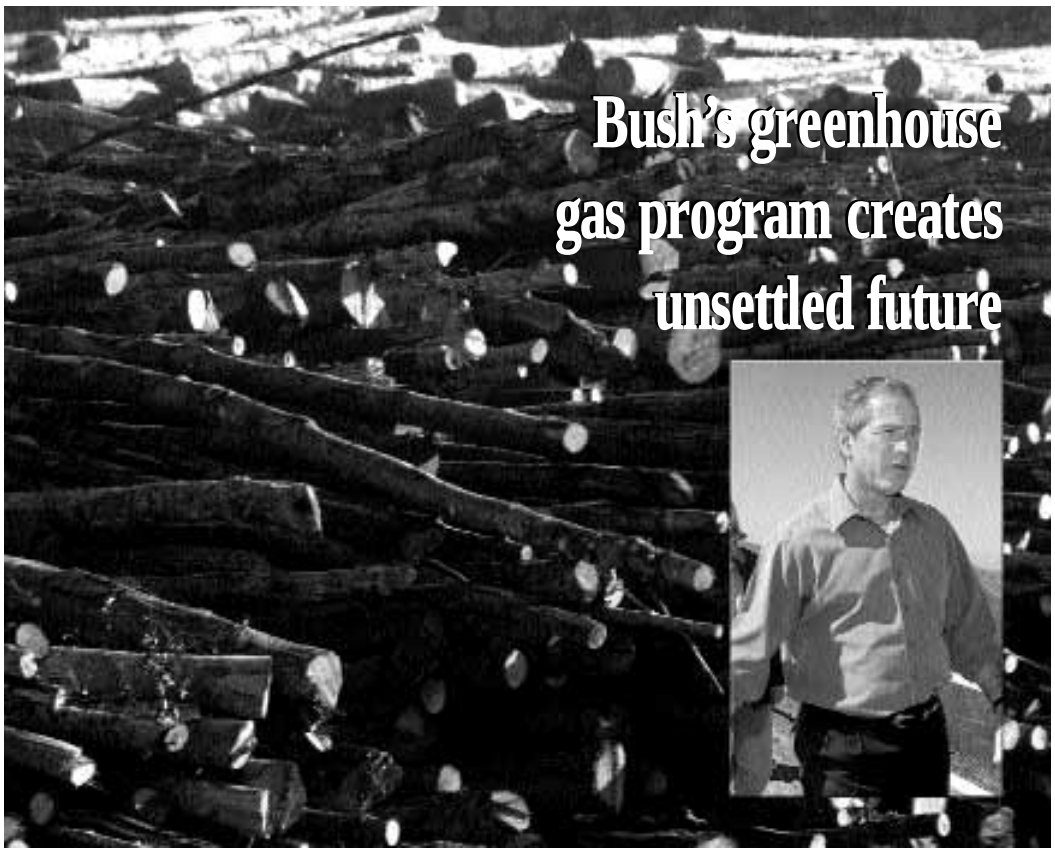

Bush's greenhouse gas program creates unsettled future

BY S. FRED SINGER

I suppose that business-as-usual has at least a chance to meet President Bush's CO_2 target for 2012: an 18 percent reduction in energy intensity, to 151 tons of carbon equivalent per million 2001 dollars of GDP.

That's why Eileen Claussen (Pew Center) calls it a "sham" and David Hawkins (Natural Resources Defense Council) complains the plan is a "repudiation" of the Rio Treaty signed by the senior George Bush in 1992.

The increasing share of service-sector industries (which are less energy-intensive) included in GDP might do the trick, coupled with more nuclear energy (per Bush energy policy), hybrid-electric cars, and substitution of natural gas for coal. Even so, the goals are a stretch for business-as-usual.

Credits trading won't work

It is disturbing, moreover, to see the emphasis on trading of CO_2 emission credits. Such credits acquire value only if there is scarcity—in other words, a "cap" on CO_2 emissions. Industries holding credits will become lobbyists for mandatory targets that artificially constrain energy use. One way or another, this is equivalent to rationing and, of course, higher energy prices. Will an electric utility shut down a coal plant to sell the credits gained? Will it encourage nuclear energy? Hard to tell.

Further confusing the situation, to keep energy prices from going through the roof, Resources for the Future has suggested that hard caps become soft if the price of credits

The Science & Environmental Policy Project (SEPP)

SEPP is an association of scientists and engineers concerned about the use of sound science as the basis for environmental-policy decisions. With junk science, such policies can waste billions of taxpayers' dollars that can better be spent on other societal problems.

SEPP was founded in 1992 by atmospheric physicist S. Fred Singer, professor emeritus of Environmental Sciences at the University of Virginia, former director of the U.S. Weather Satellite Service, and former chief scientist of the Department of Transportation. SEPP chairman is Dr. Frederick Seitz, president emeritus of Rockefeller University and former president of the U.S. National Academy of Sciences. The board includes distinguished scientists from many countries.

All our scientists, officers, and board members work on a pro-bono basis and do not receive salaries or fees. SEPP does not solicit support from either government or industry but relies on private donations and occasional foundation grants.

SEPP is a 501(c)(3) educational/research organization, incorporated in Virginia. All contributions are tax-deductible to the full extent of the law. Documentation will be provided for donations of $250 and higher, or upon request.

Highlights of 2001

During 2001, SEPP concentrated its efforts on the issue of global warming and demonstrated the lack of any scientific basis for mandatory restrictions on emissions of carbon dioxide (and energy use), as would be required by the Kyoto treaty that was actively promoted by the past administration. President Bush has labeled Kyoto as "fatally flawed" and the U.S. has refused to support it.

SEPP organized scientific briefings at international climate conferences and the successful "Student Climate Crusade" that drew 40 American college students to Bonn, Germany, in July 2001, where they were the only group to demonstrate publicly (and noisily) in favor of the U.S. position.

In addition to some two dozen seminar lectures at universities and scientific conferences during 2001, SEPP also organized a scientific briefing on global warming at the Austrian Parliament in Vienna in November. The briefing team included SEPP president Fred Singer and five European climate scientists.

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reaches a certain value. What a political mess! Who will set this value? And if credits become worthless as a result of soft caps, can industries sue the government for a "taking?"

One thing for sure: The program will raise the cost of electricity to consumers.

Of course, nothing will happen until at least 2003, when Congress may address these issues. We wish, though, that Bush would immediately withdraw the signature of the Clinton administration from the Kyoto Protocol. If the U.S. withdraws, we are told, Europe—with more than 55 percent of the signatories and more than 55 percent of GHG emissions—could bring the Protocol into force ... all by itself. That would be worth watching.

And of course, Green critics of the Bush plan in Congress can always introduce a gasoline tax: the only surefire way to reduce oil consumption and oil imports quickly, something CAFE could not do. Let's see them rise to the occasion.

Devil's in the details

Overall, I would grade the Bush plan as a C+, or perhaps a B-. What was released was general and in many respects consistent with the recent Marshall report on science and policy and recommendations from the business community over the past five or six years. On the other hand, it also is consistent with the efforts of Al Gore and Katie McGinty to get industries to make voluntary commitments to avoid mandatory ones.

"It is disturbing, moreover, to see the emphasis on trading of CO_2 emission credits. Such credits acquire value only if there is scarcity—in other words, a 'cap' on CO_2 emissions."

Since the devil is in the details, how the President's policy is implemented will be telling.

The positive aspects are

- The plan stresses the importance of science in guiding policy and actions that are consistent with the need to maintain healthy economic growth.
- It avoids a commitment to actual reductions in emissions unless required by sound science.
- It shifts attention away from arbitrary emissions targets to an efficiency metric, recognizing the clear relationship between a growing economy, energy use, and productivity. However, implementing the efficiency metric will be more difficult and complex than it appears on the surface.
- It recognizes the essential role of technology in controlling greenhouse gas emissions in the long run.
- It places increased emphasis on improving the state of climate science so that policy actions are consistent with our state of knowledge.
- It contemplates efforts to improve information collection by improving the current reporting system, although it is unclear how the incentives will work or what unintended consequences may result from credit for early action.
- It expands efforts to engage developing countries through bilateral agreements.
- Contrary to the assertions of the plan's critics, it is not "business as usual," as the goals clearly are stretch goals.

On the negative side

- There is no mention that adaptation could be preferable to incentives to reduce emissions.
- The plan's stretch goals go beyond the Energy Information Administration's high technology scenario, which is itself extremely ambitious.
- By asserting it will achieve the average reduction of the Kyoto-participating countries, the plan can be viewed as implying global warming presents a serious problem. Kyoto is based on that premise.
- The tax credits for alternative energy sources—solar, wind, biomass—once again have the government picking winners.
- The plan does not identify the importance of gaining a better understanding of the influence on climate of clouds, water vapor, and oceans.
- It does not put one person in charge of climate policy to ensure better coordination among agencies and integration of efforts.
- It does not explicitly and clearly keep open the question of human attribution and the need to make significant reductions beyond the decarbonization that is taking place in developed countries.
- Credits for early action will create pressure to find ways to gain wealth from them beyond what the market will provide on its own.

Bankrupt global warming policies still alive

Many members of Congress are criticizing the Bush administration for not having tried to prevent thousands of people from losing their jobs and pensions when Enron Corp. collapsed. Dispute is nearly nonexistent among economists, however, that far more jobs would be lost if Enron had ever achieved one of it its main political goals: limiting carbon dioxide emissions.

A recently revealed Enron memo asserted the Kyoto global warming treaty and ensuing limits on fossil fuel energy use would do more to promote Enron's business than almost any other regulatory initiative outside of restructuring the energy and natural gas industries in Europe and the United States. It was also reported that Enron lobbied both the Clinton and Bush administrations frequently and vigorously to cut carbon dioxide emissions under cover of a market mechanism, i.e., an emissions trading program.

"Every economic study that has been done on the various proposals to ration energy has shown that the economic losses would be enormous—far larger than those caused by Enron's bankruptcy."

As a natural gas producer, gas pipeline owner, wind power generator, and energy trading middleman, Enron knew it could make huge profits from government programs to cut carbon dioxide emissions, said Myron Ebell, director of global warming policy at the Competitive Enterprise Institute. But Enron's profits would come at the expense of other industries and consumers.

Every economic study that has been done on the various proposals to ration energy has shown that the economic losses would be enormous—far larger than those caused by Enron's bankruptcy. Any emissions trading scheme is simply a hidden tax on energy, as a Congressional Budget Office study reported.

Unfortunately, Enron's collapse doesn't mean these policies have disappeared. Several major corporations joined Enron to lobby for the same energy rationing schemes because they stand to make hundreds of millions of dollars on the backs of consumers and taxpayers. Among those lobbying for energy rationing are members of the Clean Power Group and the Business Environmental Leadership Council of the Pew Center on Global Climate Change.

S. Fred Singer is president of the Science & Environmental Policy Project.

Humans bring end to Ice Age disasters

BY S. FRED SINGER

During an Internet debate in February, federal climatologist Michael McCracken (*not* a global warming skeptic) revealed that rising CO_2 concentrations may have banished forever the disastrous Ice Ages that have bedeviled the Earth for the past few million years.

Scientists generally credit human activities, especially fossil fuel burning, for the atmospheric build-up of CO_2. Plants need CO_2, and synthesize their food from it.

So humans appear to be saving the planet not only from disastrously low levels of CO_2 (which atmospheric concentrations approached at one point in the past few hundred thousand years), but also from the scourge of Ice Ages that have dominated climate for the most recent few million years.

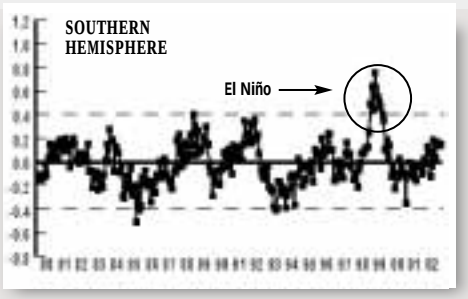
EARTH TRACK

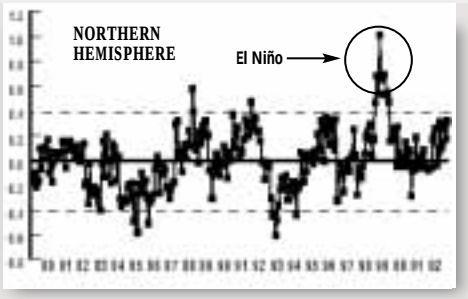
JANUARY 2002

The global average temperature for January , shown on page 1, was 0.23˚C above normal. The Southern Hemisphere's temperature departure, shown below, was 0.15˚C above normal; the Northern Hemisphere's, below right, was 0.31˚C above normal.

Each month, Earth Track *updates the global averaged monthly satellite measurements of the Earth's temperature. These numbers are important because they are real—not projections, forecasts, or guesses.*

Global satellite measurements are made from a series of orbiting platforms that sense the average temperature in various atmospheric layers. Here, we present the lowest level, which climate models say should be warming. The satellite measurements are considered accurate to within 0.01°C.





The data used to create these graphs can be found on the Internet at *http://vortex.nsstc.uah.edu/data/msu/t2lt/t2ltglhmam.d.*

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KYOTO continued from page 1

Environmental Protection Agency Administrator Christie Whitman on February 20 launched Climate Leaders, a key component of the President's new policy.

Companies participating in the Climate Leaders program volunteer to complete a corporate-growth greenhouse gas inventory and work with EPA to set an emissions reduction target. The companies will report their emissions of six greenhouse gases from all major on-site locations and emissions related to the electricity they purchase. EPA will then work closely with the companies to develop customized reduction targets that exceed their business-as-usual performance.

Announcing the charter members of Climate Leaders, Whitman stated, "the companies that participate in this program—promising to meet a higher standard than other companies in their sector—are showing true leadership as environmental stewards. They are proving that doing what is good for the environment is also good for business. They are providing an example to everyone that we all must do our share to address the effects of climate change—and we must start now, as they have."

The Climate Leader charter members are:

- Bethlehem Steel Corporation
- Cinergy Corporation
- FPL Group Inc.
- General Motors Corporation
- Holcim Inc.
- Interface Inc.
- Lockheed Martin
- Miller Brewing Company
- Norm Thompson Outfitters
- PSEG
- S.C. Johnson & Son, Inc.

Criticized from all directions

Despite the high hopes of the Bush administration, the President's proposal received criticism from many directions.

"The United States can and should lead the world to a clean technology future," stated defeated Presidential hopeful Al Gore. "Unfortunately this plan abdicates the responsibility instead of accepting it."

Senator Joe Lieberman (D-Connecticut) expressed disappointment that Bush's proposal did not mirror the controversial provisions of the Kyoto Protocol. "The key point is to do something meaningful. The great disappointment is it offers no real hope or progress. It's not meaningful," said Lieberman.

Jennifer Morgan, climate policy director for the World Wildlife Fund, called the President's February 14 proposal "a valentine to the coal and oil industry that will allow emissions to increase without any time frame, externally."

Command-and-control environmentalists were not the only ones disappointed in the President's proposal. Market-oriented environmentalists criticized the plan as unnecessary and carrying hidden risks.

> **"President Bush's new climate change initiative is a baffling reversal of previous statements made when he rejected the Kyoto Protocol."**
>
> PAUL GEORGIA
> COMPETITIVE ENTERPRISE INSTITUTE

"President Bush's new climate change initiative is a baffling reversal of previous statements made when he rejected the Kyoto Protocol," stated Paul Georgia of the Competitive Enterprise Institute (CEI). "His reasoning at the time was that the scientific evidence was insufficient to justify embarking on a course of action that would cost the U.S. economy hundreds of billions of dollars a year. ... If anything, the scientific basis for global warming has weakened since that decision."

Moreover, the long-term implications of Bush's program, stated Georgia, are potentially severe. "Under President Bush's plan, companies that voluntarily agree to reduce carbon intensity will receive credits from the government. These credits are potentially worth billions of dollars, but are virtually worthless unless a mandatory cap on greenhouse gas emissions is forthcoming. In effect, Bush's plan would create a business constituency favoring a mandatory cap, putting the U.S. right back where it was when Al Gore signed the Kyoto Protocol.

"Moreover," Georgia continued, "any company that doesn't 'voluntarily' participate will be hurt when mandatory caps are put into place, meaning that companies that are able will have little choice but to join the fray.

"It's unfortunate that President Bush has decided to put into place a regulatory framework to reduce greenhouse gas emissions, giving new life to a dead issue," concluded Georgia.

"This only reaffirms the obvious fact that any 'voluntary system' will soon become a mandate," agreed CEI's Christopher Horner.

James Glassman, a fellow at the American Enterprise Institute and host of TechCentralStation.com, lamented, "Starry-eyed over the beauty of trading, the administration's economists have lost sight of the justification for the mechanisms in the first place.

FOR MORE INFORMATION

WWW The Heartland Institute has compiled an extensive collection of research and commentary on President Bush's global warming initiative. Point your Web browser to **http://www.heartland.org/warming.htm.**

Carbon dioxide levels are supposed to be increasing temperatures on Earth. But the research ... has never found a conclusive link between human activity and global warming. Satellite observations over the past quarter-century show no increase in heating just above the Earth's surface."

Administration claims proposal "just right"

In announcing its proposal, the Bush administration followed closely a "gradualist approach" to greenhouse gas issues, outlined by Glenn Hubbard, chairman of the President's Council of Economic Advisors, in an October speech at the Massachusetts Institute of Technology. Hubbard argued at MIT that the best long-term approach to greenhouse gas emissions would entail "stabilizing" carbon dioxide levels in the atmosphere without "large upfront costs."

White House Spokesman Ari Fleischer expressed confidence that criticism from all sides indicated Bush had nailed the bulls-eye with his new program.

"It's a classic case of where some in the environmental community say the President doesn't go far enough and many in the business community say the President is going too far. I think that's probably an indication that the President has gotten it just right," said Fleischer.

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Global Climate Coalition disbands

BY S. FRED SINGER

The Global Climate Coalition (GCC), a Washington-based group that once was the dominant voice of U.S. industry on the climate change issue, has announced its "deactivization."

Formed in 1989, the organization questioned the extent of the alleged global warming problem and opposed the 1997 Kyoto Protocol, which set mandatory reductions in greenhouse gas emissions.

But in recent years, many major companies resigned from the group, shifting their memberships to softer-line organizations such as the Pew Center on Global Climate Change and the Business Council for Sustainable Energy. GCC became a coalition of trade associations rather than companies.

In announcing its demise, GCC said it had "served its purpose by contributing to a new national approach to global warming." It noted the Bush administration "soon will announce a climate policy that is expected to rely on new technologies to reduce greenhouse emissions, a concept strongly supported by the GCC."

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Bush calls for power plant emission cuts

During the same February 14 speech in which President George W. Bush announced his new greenhouse gas program, the President called for mandatory reductions in sulfur dioxide, nitrogen oxide, and mercury emissions under a cap-and-trade system.

The newly announced Clean Skies Initiative would require cuts of roughly 70 percent in power plant emissions of what EPA calls "the three worst air pollutants." The initiative is designed to improve air quality using a mandatory but market-based approach.

The Clean Skies Initiative

- Cuts sulfur dioxide (SO_2) emissions by 73 percent, from current emissions of 11 million tons to a cap of 4.5 million tons in 2010, and 3 million tons in 2018.
- Cuts emissions of nitrogen oxides (NOx) by 67 percent, from current emissions of 5 million tons to a cap of 2.1 million tons in 2008, and to 1.7 million tons in 2018.
- Cuts mercury emissions by 69 percent—the first-ever national cap on mercury emissions. Emissions will be cut from current emissions of 48 tons to a cap of 26 tons in 2010, and 15 tons in 2018.

The model for the Clean Skies Initiative is the 1990 Clean Air Act, which provided for mandatory pollution reductions under a similar cap-and-trade system. The cap-and-trade approach allows businesses that find ways to reduce pollution beyond their pre-set goals to sell their newly created pollution "credits" to other businesses who come up short on their goals.

While generally perceived as more economically friendly than one-size-fits-all regulations, the cap-and-trade system has been criticized by economists for creating an "artificial" market for pollution reduction. (See "Economist warns against false promise of CO_2 controls," *Environment & Climate News*, January 2002.) Nevertheless, the Bush administration feels the approach provides the best available mechanism for dramatically reducing the EPA's "big three" pollutants.

Although Bush's Clean Skies Initiative would require dramatic and expensive emission cuts, the U.S. Senate may demand he go further. Senate Environment Committee chairman Jim Jeffords (I-Vermont) has called for even more cuts in the target pollutants and regulating carbon dioxide and greenhouse gas emissions as if they were pollutants. Debate will continue on Jeffords' proposals throughout the spring.

Clean Skies initiative raises many questions

BY S. FRED SINGER

President George W. Bush's "Clean Skies" initiative, which some critics have dubbed "Jeffords-lite," calls for a roughly 70 percent reduction by 2018 of emissions of sulfur dioxide (SO_2) and nitrogen oxides—already labeled pollutants under existing Clean Air legislation—and targets mercury (Hg) as well. The plan permits emissions trading and provides lavish tax and research-and-development incentives.

One set of questions sure to be asked when Congress considers the package concerns costs and benefits. Will EPA tell us where its numbers come from? Do the plan's marginal costs exceed its expected marginal benefits? How clean is clean? The 1990 Clean Air Act considered a limit of 10 million tons/year of SO_2 emissions more than adequate; what has changed?

What is the natural, background level of each pollutant targeted by the Bush initiative? A 30 tons/yr reduction in Hg emissions, to 15 tons/yr, doesn't cut much ice when total U.S. emissions are 150 tons and the world total somewhere near 4,000 tons. With pollution traveling across oceans, are China and India going to reduce coal use and emission intensity?

Then there are the political questions: The tighter sulfur standards require scrubbers on all coal-fired plants, including those burning low-sulfur coal. How will this play in Wyoming and with the railroads? It makes lignite uneconomic; how will North Dakota and Texas react? The end of cheap electricity based on coal generally will hurt the Midwest.

I look forward to some interesting discussions in Congress next year.

Ironically, the increased costs of reducing pollution translate directly into more use of energy ... and, inevitably, more emissions of CO_2.

America using more energy with less pollution

BY BEN LIEBERMAN

America's energy use is increasing, and many assume that energy-related air pollution must also be going up.

The federal government certainly seems to think so: The Clinton administration initiated a number of measures to tighten the Clean Air Act's already-tough restrictions on power plants, and the Bush Environmental Protection Agency is considering a proposal that may require sharp decreases in certain utility emissions.

But an important new study finds that energy use and air pollution are actually headed in opposite directions.

Breathing easier

"Breathing Easier about Energy: A Healthy Economy and Healthier Air," released recently by the Foundation for Clean Air Progress, compares energy use and air quality since 1970. The report concludes that energy use has increased, while energy-related emissions have declined.

Sensitive to criticisms that it is an industry-funded organization, the Foundation's study relies solely on Department of Energy and EPA data. It concludes that overall energy consumption grew by 41 percent over the past three decades, yet the air is actually cleaner today than it was back in 1970 when President Richard M. Nixon signed the Clean Air Act into law.

Most striking are the 75 percent decline in particulate matter (soot) and 39 percent drop in sulfur dioxide, both attributable in significant part to reduced utility pollution.

The new study generally agrees with EPA's "Latest Findings on National Air Quality: 2000 Status and Trends," released with little fanfare last September. EPA concluded that "since 1970, aggregate emissions of six principal pollutants tracked nationally have been cut 29 percent," over a time period in which the agency estimated an energy consumption increase of 45 percent.

These air quality improvements show no signs of slowing, and indeed are likely to continue into the future as a number of additional clean air requirements take effect in the next few years. There is no evidence that continued economic growth and increasing energy use will derail the progress.

Media prefers bad news

Nonetheless, polls show most Americans believe air quality is deteriorating. Their confusion is not difficult to understand, given the near-monopoly on news coverage given to the pessimistic claims from advocacy organizations.

Most notably, the American Lung Association's well-publicized annual report card on smog gives a failing grade to more than half the nation. Many of these Fs are highly misleading. For example, the residents of Chicago, upon learning their city received a flunking grade, would have no idea that the entire Chicago metropolitan area has not had a single violation of the federal smog standard in the past three years.

Unfortunately, good news about air quality doesn't get much attention, even though it has a stronger basis in fact than the gloom-and-doom nonsense. Nonetheless, it is important to bridge the gap between the pessimistic perception and optimistic reality of air quality if Washington is to sensibly balance the nation's environmental and energy demands.

"Unfortunately, good news about air quality doesn't get much attention, even though it has a stronger basis in fact than the gloom-and-doom nonsense."

No one is suggesting anything resembling a rollback of the Clean Air Act and its many regulations already in force. But new measures cracking down on power plants—especially regulations that may jeopardize reliability or result in higher energy bills—should be carefully evaluated in light of the positive air quality trends currently under way.

Ben Lieberman is a senior policy analyst with the Competitive Enterprise Institute in Washington, DC.

FOR MORE INFORMATION

WWW The full text of "Breathing Easier about Energy: A Healthy Economy and Healthier Air," is available on the Web site of the Foundation for Clean Air Progress at **http://www.cleanairprogress.org/research/energy_report.asp.**

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KLAMATH continued from page 1

2,000 jobs, $130 million lost

The battle over Upper Klamath Lake water has been raging since April 2001, when the National Marine Fisheries Service and U.S. Fish and Wildlife Service ordered irrigation water cut off to 1,400 area farmers who relied on the water for their livelihoods.

The action struck many observers as especially callous because the farmers were descendants of World War I veterans who had obtained and worked the land at the inducement of the federal government. After defending their country overseas, the veterans were promised title to the land and perpetual water rights as part of a federal plan to promote agriculture in the region.

> **"I lost a lot of good neighbors and friends, including my next-door neighbor who lost his farm of 30 years. Incomplete science took his livelihood, his home, and his children's education."**
>
> **BOB GASSER**
> **UPPER KLAMATH LAKE AREA RESIDENT**

Last year's water cutoff wreaked economic havoc among the veterans' descendants and throughout the Upper Klamath Lake region. The loss of water cost the regional economy 2,000 jobs and more than $130 million, according to a joint report by Oregon State University and the University of California at Berkeley.

But the economic toll conveyed only part of the story. People who have lived on and worked the land for generations were forced to sell or abandon their property in the face of bankruptcy and hunger caused by the water shutoff.

"Sloppy science, apparent guesswork"

"We are ecstatic about the study, but the problem I have is that I lost a lot of good neighbors and friends, including my next-door neighbor who lost his farm of 30 years," said area resident Bob Gasser. "Incomplete science took his livelihood, his home, and his children's education."

Farm owners were not the only ones harmed by the water cutoff. A local nurse-practitioner told of Hispanic agricultural workers who went days at a time without feeding their families.

Outrage over the water shutoff flared again upon word that last year's government action, together with all its life-wrecking consequences, was wholly unnecessary.

"A handful of U.S. Fish & Wildlife Service bureaucrats withheld desperately needed water from farmers in the Klamath Basin last summer," said Rep. Jim Hansen (R-Utah). "Now we find out that decision was based on sloppy science and apparent guesswork. I am appalled. They made decisions that devastated the economy of an entire region—and they literally backed that decision up with armed federal agents."

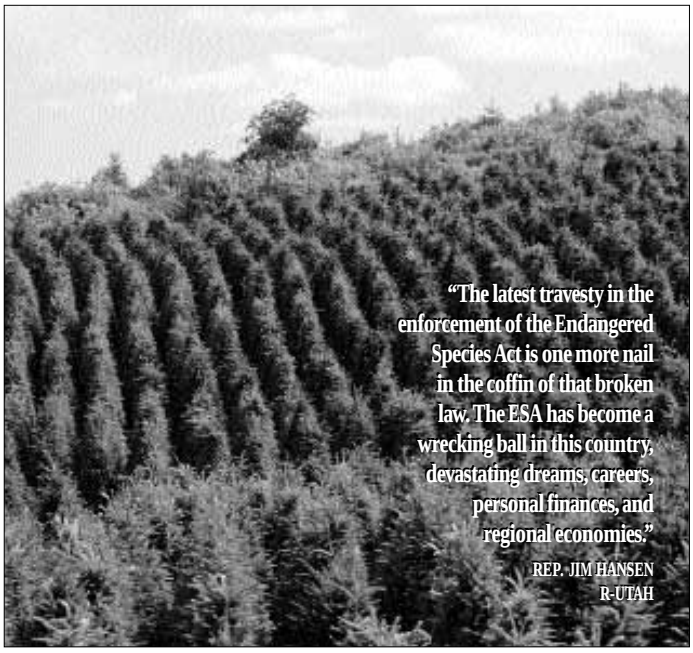
Added Hansen, "The latest travesty in the enforcement of the Endangered Species Act is one more nail in the coffin of that broken law. The ESA has become a wrecking ball in this country, devastating dreams, careers, personal finances, and regional economies."

"Had we not gotten an outside review of the science and the decisions leading to the water shutoff, the federal government would have continued down the wrong road," observed Rep. Greg Walden (R-Oregon). "Now we find out that higher lake levels don't help suckers and higher stream flows may actually kill coho salmon."

Legal battles intensify

The Bureau of Reclamation's February 27 decision to restore water to area farmers capped a month of frenzied activity regarding the Upper Klamath Lake region. Immediately after the NAS submitted its findings regarding the water shutoff, the Pacific Legal Foundation filed a federal lawsuit to remove Endangered Species Act protection for the Klamath Basin coho salmon.

The group had recently filed a similar lawsuit regarding coastal coho salmon, which met with mixed results. Pacific argued, and a federal district court agreed, that coastal coho salmon were not endangered in light of millions of hatchery-born salmon released into the wild. However, a federal appeals court reversed the decision, banning hatchery-born fish from the coastal coho salmon count.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REP. JIM HANSEN
R-UTAH

While the Pacific Legal Foundation challenged the appropriateness of listing Klamath coho salmon as endangered, environmental activist groups prepared their own legal strategy regarding the salmon. On the day Reclamation announced its plans to release irrigation water, 13 fishing and environmental activist groups filed a petition to intervene in the Pacific Legal Foundation's suit.

The 13 groups argued that the defendants in the Pacific lawsuit, the National Marine Fisheries Service, could not be trusted to mount a vigorous and effective defense of the Klamath salmon listing. "We cannot allow wild salmon and the protections they need to be used as pawns in a broader political game, in the Klamath, the courts, or anywhere," said Jeff Curtis of Trouts Unlimited.

Dismissing the harm suffered by area residents, Glen Spain of the Pacific Coast Federation of Fishermen's Associations added, "This delisting lawsuit is just a thinly veiled attempt by industrial agribusiness to throw out protections for salmon so they can continue to pollute streams and dry up rivers with impunity."

"It's absurd to say we don't need to protect wild salmon simply because hatcheries can churn out millions of fish in concrete tanks," argued Michael Mayer of Earthjustice.

While the status of Klamath coho salmon plays out in the courts, area farmers still must pray for significant rains this year. Although the Bureau of Reclamation has committed to releasing water prior to the April growing season, it has not committed to specific amounts of water.

"It's water," said John Keys, head of the Reclamation Bureau. "There are never guarantees with a natural resource."

While refusing to guarantee enough water for local irrigation needs, Keys did predict farmers will be able to grow their crops this year "if local weather patterns and water levels hold."

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photo: http://www.zoology.ubc.ca/~keeley/chinook.htm

New York Times promotes Great Salmon Hoax

BY JAMES BUCHAL

On February 14, the editors of the *New York Times* threw their full weight against efforts to restore sanity to natural resource management in the West ... and they told a lot of whoppers in the process.

An unsigned editorial titled simply "Fish Wars" opens by declaring, "the collapse of the once-great salmon runs of the Pacific Northwest ranks high among the ecological blunders committed in the name of progress."

Ignorant, or simply lying?

Given that salmon runs this season were among the highest ever counted, this statement ranks near the top of the factual blunders in the editorial—if blunders they be.

While most of the running salmon were hatchery fish, that has been the case for decades. But the *Times* has no use for hatchery fish, because "since hatchery fish can be raised and added to a river at will, the whole problem of declining species magically disappears—along with all the annoying steps that have to be taken to protect their habitat."

"The idea that an ecosystem will 'fail the humans' as soon as an endangered species is declared is silly. ... Fish do not run at all in the creeks of Manhattan Island anymore, since they have all been paved over, but the humans seem to be doing just fine."

While ordinary folks might think the Endangered Species Act is about *species*, the *Times* editors find a meaning in the statute far beyond its mere provisions. To them, the Act "speaks to the human condition as well: When an entire species is sufficiently threatened to require protection, it usually means that the same ecosystem will eventually fail the humans who depend on it as well."

Once again, the editors demonstrate astounding ignorance or mendaciousness, for there is not a single "entire [salmon] species" that is in the slightest danger of extinction whatsoever. There are across the United States thousands upon thousands of runs of chinook, coho, sockeye, and steelhead salmon—four "entire species." Only a few *runs* are in danger of extinction, at the edges of the species' range.

The idea that an ecosystem will "fail the humans" as soon as an endangered species is declared is silly. The *Times* editors must know better, for where they live, fish and wildlife are not merely endangered, they are *gone*. Fish do not run at all in the creeks of Manhattan Island anymore, since they have all been paved over, but the humans seem to be doing just fine.

Science says salmon are safe

Moreover, the Endangered Species Act listings in the Pacific Northwest are palpably fraudulent. For example, after listing some 38 runs of salmon in Idaho as an "Evolutionarily Significant Unit" called "threatened Snake River spring/summer chinook" salmon, federal biologists subsequently conducted sophisticated population viability studies that showed virtually no risk of extinction over the hundred-year study period. But the runs remain listed, perhaps because the science is too complicated for even the region's fish managers to understand, much less the *Times*' editors.

The *Times* warns darkly that "the most troubling development is the looming offensive against legal protection for 24 coastal salmon runs," another factual error ranking high among its blunders in this editorial. The "looming offensive" concerns listed fish all over the Pacific Northwest, not just on its coast.

The *Times* slams the "right-wing Pacific Legal Foundation" (has the *Times* ever seen a "left-wing" foundation?) for denying "the government's obligation under the Endangered Species Act to manage ecosystems in ways that ensure the survival of wild fish." But Congress never anointed the federal government with authority, much less an obligation, to "manage ecosystems," though its bureaucrats reach further and further toward that end. The *Times*' vision of "managing ecosystems" is the classic Leftist vision of government without limit.

There are no "wild" salmon

Moreover, one cannot say there are *any* "wild fish" (or at least wild salmon) at all in the Pacific Northwest, unless you do what the National Marine Fisheries Service does, and deem the hatchery fish "wild" as soon as they escape into the wild and reproduce.

Salmon are a species whose long-term survival strategy involves colonizing new habitat, so they stray all over the place, interbreeding at will. There are probably no "wild" salmon without hatchery ancestors, and certainly no hatchery salmon without "wild" ancestors. That's why the Justice Department had to admit, in the federal district court case assailed by the *Times*, that the listed "wild" and unlisted hatchery fish are genetically identical.

The *Times* also takes a swipe at the recent National Academy of Sciences report suggesting there was no scientific evidence to support cutting off water to Klamath Basin farmers, calling the report "bad news for these threatened fish."

Had the *Times* editors bothered to read the report, or deigned to tell the truth about it, they would have concluded the most plausible interpretation of the report, at least insofar as salmon are concerned, is that it is *good news*. The report slammed the idiotic decision to release huge amounts of warm water down the Klamath River—warm water that can be lethal to salmon.

As always, Leftist fulmination about the Endangered Species Act isn't about fish, it's about control over land. The *Times* is sure "the Klamath water crisis has been in the making for more than 100 years, ever since the federal government decided to subsidize a farming economy in an arid area where none belonged."

In fact, the decision to *loan* money to the farmers to build a water project—a *loan* since repaid—was made less than 100 years ago. And the area is only "arid" in the sense that rainfall is low. Before and after development it contained substantial wetlands, not unlike the ones that were filled in back East to provide space for the *Times* and its readers. We don't see the editors volunteering to "save the New York City metropolitan area" by leaving it, though they are sure we must "save the [Klamath] basin" by throwing out the farmers.

When an establishment paper like the *Times* tells this many whoppers, it's almost enough to make one believe in a conspiracy to engage in what the *Wall Street Journal* has called "rural cleansing."

James Buchal is an environmental attorney in Portland, Oregon, and author of The Great Salmon Hoax, *by Iconoclast Publishing Co.*

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Trout coalition relies on fishy science

BY BROOKS A. PANGBURN

The Western Native Trout Campaign, an environmentalist coalition spearheaded by The Center for Biological Diversity, issued a report last November calling for the preservation of all roadless areas in the western states.

The report, titled "Imperiled Western Trout and the Importance of Roadless Areas," examines the correlation between the presence of certain native trout species and the absence of roads in their habitat. It finds that for many—though not all—of the trout species examined, viable populations tend to be found in wilderness areas, national parks, and other public lands where road-building has been limited.

The coalition concludes that "the full protection of all roadless public land" is essential for preservation and restoration of western native trout. The report, though, is more an advocacy piece than a work of science.

Common sense would dictate that undisturbed areas where these species currently exist are best managed with protection of trout habitat as a significant priority. But the Trout Campaign's report calls repeatedly for locking up *all* roadless lands—regardless of whether they contain trout habitat. Their report reaches far beyond its own findings, yet it is being paraded as further "evidence" in support of reviving former President Bill Clinton's ill-conceived Roadless Areas Initiative.

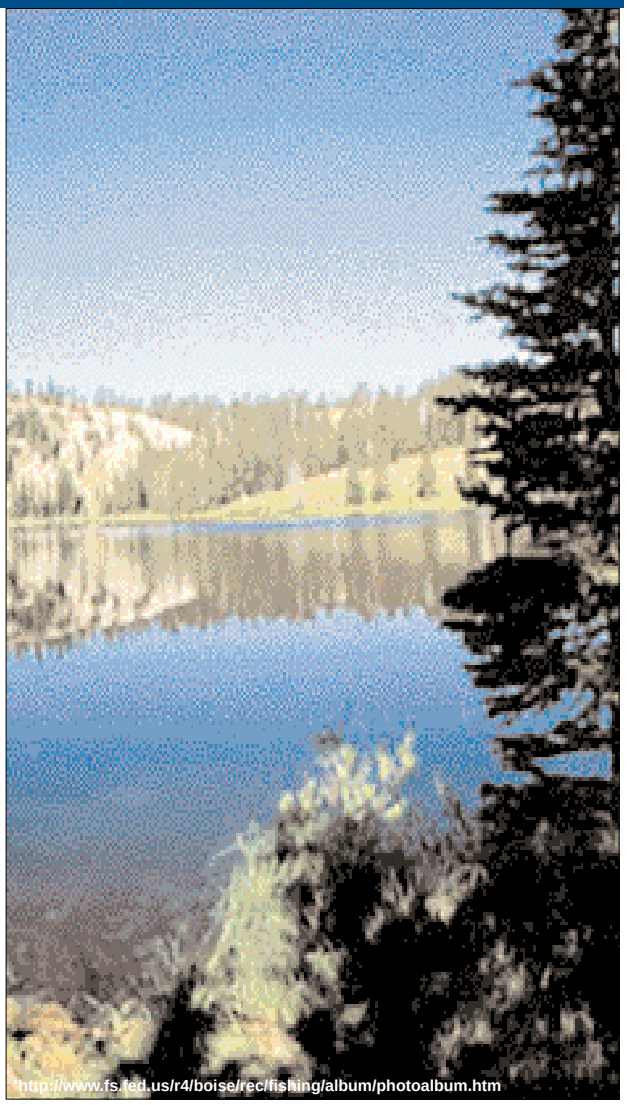
The coalition's research gives short shrift to the many factors responsible for the decline of the eight native trout species it analyzed. Introduction of non-native trout, beginning over one hundred years ago, has been a major detriment to the native species they either displaced or hybridized with. Unregulated market fishing in the nineteenth century, along with irresponsible water diversion projects during that period, also had a significant impact on trout populations.

But The Center for Biological Diversity and its coalition partners overlook these important factors and insist road-building has been the primary reason for the trouts' decline. Roads built for logging and public access are blamed not only for increasing sediment loads, but also for a host of other purported ills. "Roads have many other indirect impacts detrimental to native trout," the report states. "They provide increased access for overfishing ... they also provide pathways for pathogens like whirling disease and an increased likelihood of toxic spills."

"Sensible people will see [the Western Native Trout Campaign report] for what it is—just another tool environmental activists are using to push their land-lockup agenda."

Such far-reaching assertions undermine the report's credibility. Sensible people will see it for what it is—just another tool environmental activists are using to push their land-lockup agenda.

Brooks Pangburn is a freelance writer, formerly with the Alaska Department of Fish & Game.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Arizona community averts repeat of Klamath disaster

Grassroots activism decisive in preserving citizens' rights

BY RANDY HEISS

In the spring of 2001, after drought conditions reduced the amount of water available in Upper Klamath Lake, Oregon, a federal judge ruled 1,400 farms would go without irrigation water, saying the Endangered Species Act (ESA) gave threatened and endangered fish highest priority during times of drought.

If a proposed water rights agreement between the town of Patagonia and The Nature Conservancy (TNC) had received the expected town council approval, the stage would have been set for a similar fate to befall the residents of this southern Arizona border town if drought reduced flows of Sonoita Creek through TNC's Patagonia-Sonoita Creek Preserve. The circumstances in both communities were strikingly similar.

Deja vu?

The Upper Klamath Lake is home to two species of sucker fish, both designated as endangered under the ESA. The mainstream Klamath River, which flows from Upper Klamath Lake, is inhabited by a threatened salmon.

The endangered Gila topminnow, and three threatened native fish, inhabit Sonoita Creek.

In Oregon, the biological opinions of the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service established that higher minimum levels in Upper Klamath Lake were necessary to sustain the endangered suckers, and increased flows in Klamath River were required for the threatened salmon. The biological opinions have been found by the National Academy of Sciences to be fundamentally flawed on technical and scientific grounds.

Similarly flawed are the streamflow data gathered by TNC employees and used in TNC's application to the Arizona Department of Water Resources (ADWR) for instream flow appropriation—flows TNC had claimed were necessary to sustain native fish populations living in Sonoita Creek.

The biological opinion of the USFWS was based on a streamflow study of the Klamath River, referred to as the "Hardy Flows" report, prepared by Utah State University environmental engineer/biologist Dr. Thomas B. Hardy.

A biological study of the habitat requirements for the endangered and threatened fish of Sonoita Creek was performed for TNC by the firm Hardy, Addley and Associates, Inc., of Logan, Utah. Dr. Thomas B. Hardy and R.C. Addley are the principal partners of the firm.

Victory for the grassroots

Patagonia's fiscal year 2001/2002 budget allocates just $9,000 for legal expenses. If a lawsuit challenging the town's water use were filed in federal court under the ESA, the legal fees would almost certainly bankrupt the town.

The current population of the town of Patagonia is 881 residents, 64 percent of whom are of low to moderate income, with little or no resources to contribute toward a legal battle. Bankruptcy could cause property taxes to take a quantum leap, making it difficult or impossible for most Patagonians to continue living in the town where their families have lived for generations.

Fearful of the TNC proposal's potential financial impact, community members banded together to file an official protest against the group's application to ADWR. The Patagonians also successfully filed an initiative measure that has been placed on the town election ballot. The measure will seek voter approval of an ordinance requiring that, before town officials enter into any agreement or obligation affecting town water rights,

- full public hearings be held;
- the town council make scientific findings of fact that the agreement is in the best interests of the town, considering several factors; and
- the council approve the agreement by unanimous vote.

Because of these efforts by the citizens of Patagonia, TNC has withdrawn the proposed water rights agreement with the town and removed from ADWR consideration its application for instream flow appropriation.

No one would fault Patagonians if they had joyously celebrated their victory against TNC and its tax-exempt $2 billion annual budget. But reaction among the townfolk remains guarded.

Initiative organizers sponsored a gathering on February 2 to encourage public comment and open discussion of the proposed ordinance. They continue their efforts to register voters for the upcoming election, to ensure voter approval of the ordinance.

Randy Heiss is chairman of Unidos Hacemos Fuerza.

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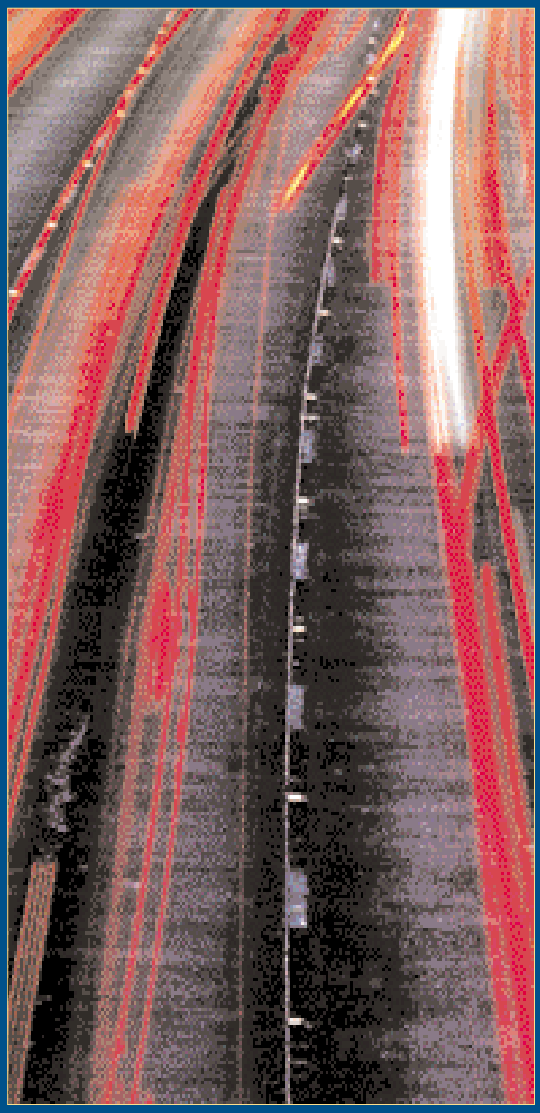
Senate tackles CAFE as new data link program to thousands of deaths

Continued from page 1



gallon by 2016. Current fuel economy standards require cars to average 27.5 miles per gallon and light trucks to average 20.7 mpg.

Labor unions, consumer safety advocates, and economists had voiced opposition to significant tightening of the CAFE program, which, they say, would fail to reduce oil consumption and would endanger passenger safety and American jobs.

Price spikes drive debate

The CAFE standards were first implemented in 1975 after the Arab oil embargo and ongoing gasoline shortages. The goal of CAFE was to lessen the impact of gasoline supply disruptions by making American vehicles more energy efficient. A secondary goal was to encourage lower gasoline prices by curtailing consumer demand.

Calls for higher CAFE standards heated up last year when gasoline prices spiked for the second spring in a row. The debate cooled down when gasoline prices quickly returned to normal, but picked up again in the wake of the September 11 terrorist attacks on America.

"The scientific studies show we're right, and we're going to use the truth to combat the industry's lobbying clout," said Kerry in a prepared statement on February 17.

Kerry did not identify the "scientific studies" to which he was referring. CAFE opponents, however, cited a substantial research literature indicating tighter standards would have little effect on gasoline consumption, would eliminate thousands of American jobs, and would cost thousands of American lives.

NAS, NHTSA: CAFE kills

Andrew Kleit, associate professor of energy, environmental, and mineral economics at Penn State University, released on February 7 a study showing higher CAFE standards would not restrict gasoline consumption as much as CAFE proponents predict.

"CAFE standard increases affect only new vehicles and do nothing to reduce driving. In fact, they tend to encourage increased driving as costs per mile driven decline," stated Kleit. "They also encourage the retention of older, less 'fuel-efficient' vehicles."

According to the Kleit study, the "rebound effect" of increased driving would not only mitigate desired fuel conservation, but would lead to more automobile pollution as well.

"[T]here is no fuzziness or ambiguity of any sort whatsoever regarding CAFE. CAFE kills, and higher CAFE standards will kill even more."

DR. LEONARD EVANS
NATIONAL ACADEMY
OF SCIENCES

"If CAFE standards increase miles driven, say via the rebound effect for mileage, they can be expected to increase emissions of traditional pollutants," Kleit noted.

Kleit is not the first researcher to have pinned serious negative, unintended consequences on CAFE. Others have concluded CAFE standards have caused thousands of American deaths by requiring lighter, less crash-resistant vehicles.

A 2001 study by the National Academy of Sciences found that CAFE, even at its current levels, contributes to between 1,300 and 2,600 traffic deaths every year. A Harvard University/Brookings Institution study put the figure at between 2,200 and 3,900 deaths per year, further determining that between 440 and 780 Americans die for every 100 pounds shaved off vehicle weight. The National Highway Traffic Safety Administration has estimated that since CAFE was first implemented, 46,000 traffic deaths would have been avoided if people were driving heavier cars.

In the mid-1960s, the United States ranked first in vehicle safety, boasting the lowest vehicle fatality rate in the world. It has fallen to 13th place since implementation of CAFE standards.

"Researcher [Andrew] Kleit concluded the Kerry/Hollings proposal would eliminate more than 100,000 jobs in the nation's domestic auto and supplier industries."

"The conclusion is that CAFE has caused, and is causing, increased deaths," stated Dr. Leonard Evans of the National Academy of Sciences. "Higher CAFE standards will generate additional deaths. ... From a technical point of view, there is no fuzziness or ambiguity of any sort whatsoever regarding CAFE. CAFE kills, and higher CAFE standards will kill even more."

Livelihoods threatened as well

Although such high-profile senators as Kerry, Hollings, and McCain wanted tighter CAFE standards, many senators from both sides of the aisle remained unswayed. The list of skeptical senators included Levin, George Voinovich (R-Ohio), Bond, Debbie Stabenow (D-Michigan), and Jean Carnahan (D-Missouri).

"I think the Democratic caucus is significantly divided on the issue," observed Alan Reuther, legislative director of the United Auto Workers union.

The skeptics warn that increased CAFE standards will cost not only lives, but livelihoods. Researcher Kleit concluded the Kerry/Hollings proposal would eliminate more than 100,000 jobs in the nation's domestic auto and supplier industries. The UAW warned the Kerry/Hollings bill "directly threatens the jobs of thousands of UAW members."

"We do need to take steps to produce more fuel-efficient vehicles," said a spokesman for Carnahan. "But we have to take into account that there are a lot of jobs as well." Among Carnahan's constituents are workers and plant managers at DaimlerChrysler's Fenton, Missouri plant, who recently hosted a "Save Our Jobs" rally.

"We believe in the need for fuel economy improvements," said Ronnell Coleman, president of United Auto Workers Local 597. "But we don't accept radical plans that could result in a loss of Missouri jobs."

In an effort to pressure the undecided, the Sierra Club had targeted nine senators in radio ads it ran in February. The ads argued raising CAFE standards was a better way to lower America's dependence on foreign oil than drilling in Alaska.

The ads appeared to backfire, however, as they left some listeners wondering whether the Sierra Club preferred killing people to inconveniencing caribou. Others noted how the ads, by their silence on the gas price issue, implicitly abandoned the rationale used to impose CAFE standards in the first place.

Nancy Mitchell Pfotenhauer, president of the Independent Women's Forum, observed that oil embargoes are a distant memory, and the price of gas is no higher than it was 20 years ago.

"Why do we need to further tighten a costly and deadly program that is clearly no longer necessary?" wondered Pfotenhauer.

WEB SITES OFFER INSIGHTFUL CAFE INFORMATION

WWW Further information on the hidden costs of CAFE standards can be found at **www.heartland.org** and **http://www.driversalert.org**. Heartland's "CAFE Issue Suite" offers background research and reports, while the *Drivers Alert* Web site offers statistical information about CAFE, news stories from around the country, and the latest automotive news.

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Guilt-free guzzling

BY JERRY FLINT

It was only a few months ago that the hysterics were dominating the talk over energy prices.

Gasoline was running toward $2 a gallon and destined for $3. Some radical environmentalists were insisting sport utility vehicles be outlawed, Congressmen were demanding 40 miles per gallon, and everyone thought those hybrid vehicles from Japan were the wave of the future. Hundreds of millions of dollars were invested in hydrogen-engine experiments. General Motors and Ford got into a bragging contest over who would have the greatest increases in fuel economy.

And now I just paid $1.16 a gallon in upstate New York, and gas is even cheaper in New Jersey. A world recession is cutting demand. Producers outside the oil cartel, especially Russia and the 'Stans, began pumping more. And we realized the big oil-price run-up was based largely on speculation anyway.

At today's prices, panic moves on auto efficiency don't make economic sense.

Few dollars, no sense

Take a 50-miles-per-gallon hybrid, which is a small car with two engines—one gasoline, one electric—that work in collaboration. It would use 200 gallons for 10,000 miles in a year. That same car with a conventional small gasoline engine probably would get 35 miles per gallon and use 290 gallons. The fuel-cost difference in a year would be $104, but the hybrid engine probably would cost $4,000 more than the small conventional car. Spend $4,000 to save $104 a year? Toyota and Honda sell hybrids now, but at a loss. Even then, the price, $20,000, is a lot for small, relatively slow cars.

Or imagine if Congress mandated a 40-miles-per-gallon average for cars, instead of the 27.5 mpg average now. That would save 114 gallons per car, or $130 a year. For that our driver would be getting a car made of expensive metals and complex composites and costing many thousands of dollars more than any comparable vehicle today. In fact, there would not be much of an auto industry at the prices that would have to be charged.

A partial hybrid system (in which a gas motor gets occasional bursts of help from an electric one) could push a 15 mpg sports utility to an average 20 mpg, a 25 percent decrease in fuel consumption. But at 10,000 miles the saving is 167 gallons—$194—and the system probably adds $3,000 to the car's cost. GM, Ford, and Chrysler all have promised to introduce hybrid systems, but my guess is their enthusiasm will fall with gasoline prices. A few will be built, but they'll be difficult to sell and cause little excitement.

Academics propose raising gasoline taxes. An extra $3 a gallon tax (bringing in $300 billion) would force people into tinier cars and save fuel. They say Congress could then cut other taxes. Alas, Congress always finds unmet needs to meet, bureaucrats to hire, and roads in West Virginia to pave.

No need for miracle cures

I chuckled the other day when the *New York Times* worried about how environmentalists would react to strong car sales. It reported: "At GM, sales rose 13 percent in November. If its results affirmed GM as the healthiest of the wounded Big Three domestic manufacturers, they will probably not please environmental groups concerned about oil consumption as the country fights a war in Central Asia. GM's sales have been propelled almost entirely by gas-guzzling pickup trucks and sport utility vehicles. ..."

"[I]magine if Congress mandated a 40-miles-per-gallon average for cars, instead of the 27.5 mpg average now. That would save 114 gallons per car, or $130 a year."

The *Times* makes it almost unpatriotic for GM to be successful and save the country from depression. It neglected to note that those boys fighting in Central Asia would love to own those "gas-guzzling" GM pickups and SUVs. Nor did it laud GM for helping save jobs for the poor folks in Mexico and Nigeria and other places where the oil comes from.

And what about the term "gas-guzzling"? City buses use more fuel than any car, but nobody calls them "diesel-oil-guzzlers." Boeing 747s burning 3,200 gallons an hour aren't called "jet-fuel-guzzlers." Two-hundred-watt bulbs aren't called "electron guzzlers." The Sunday *New York Times* isn't called a "forest-guzzler." Why? Because they do a job.

So do those pickups and sport utility vehicles. They can haul boats, horse trailers, and lots of cargo that ordinary front-wheel-drive vehicles can't. Many have three rows of seats for extra passengers and, in fact, are just big old-fashioned station wagons. They ride higher and make it easier to look down the road. Four-wheel drive is better in winter driving. And yes, SUVs are fashionable, too. But so are Armani suits and weekend homes, and they all consume resources.

Improving fuel economy is possible with lighter materials and better engines and engineering. With fuel prices down we may get back to doing that and put the miracle cures, like hybrids and hydrogen engines, back on the experimental track where they belong.

Jerry Flint, a former Forbes senior editor, has covered the automobile industry since 1958. Reprinted by permission of Forbes *magazine,* *© 2002 Forbes Inc.*

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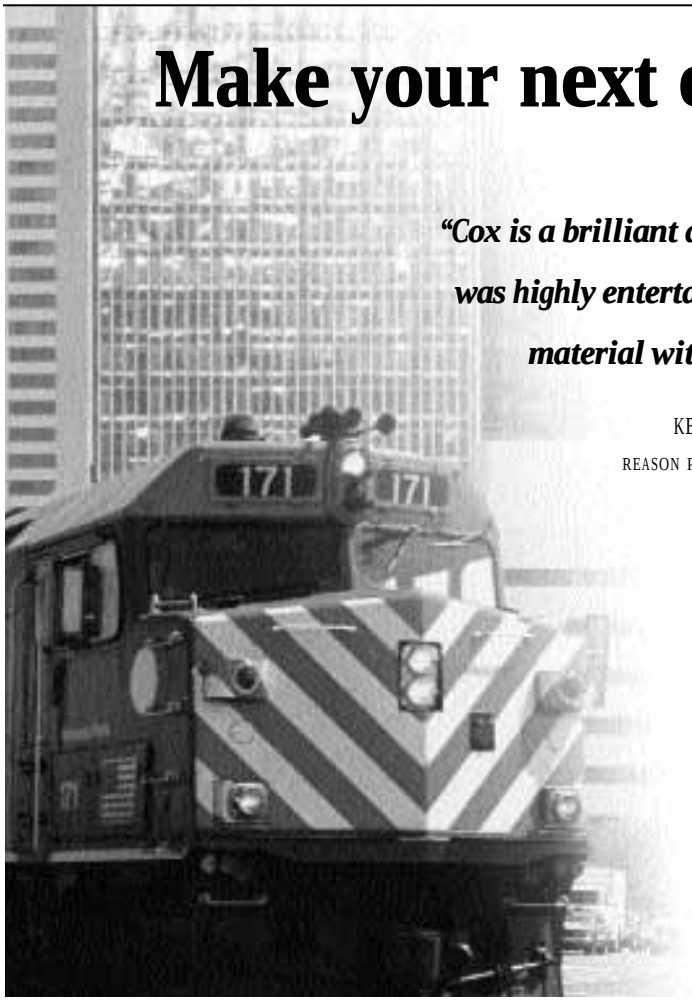

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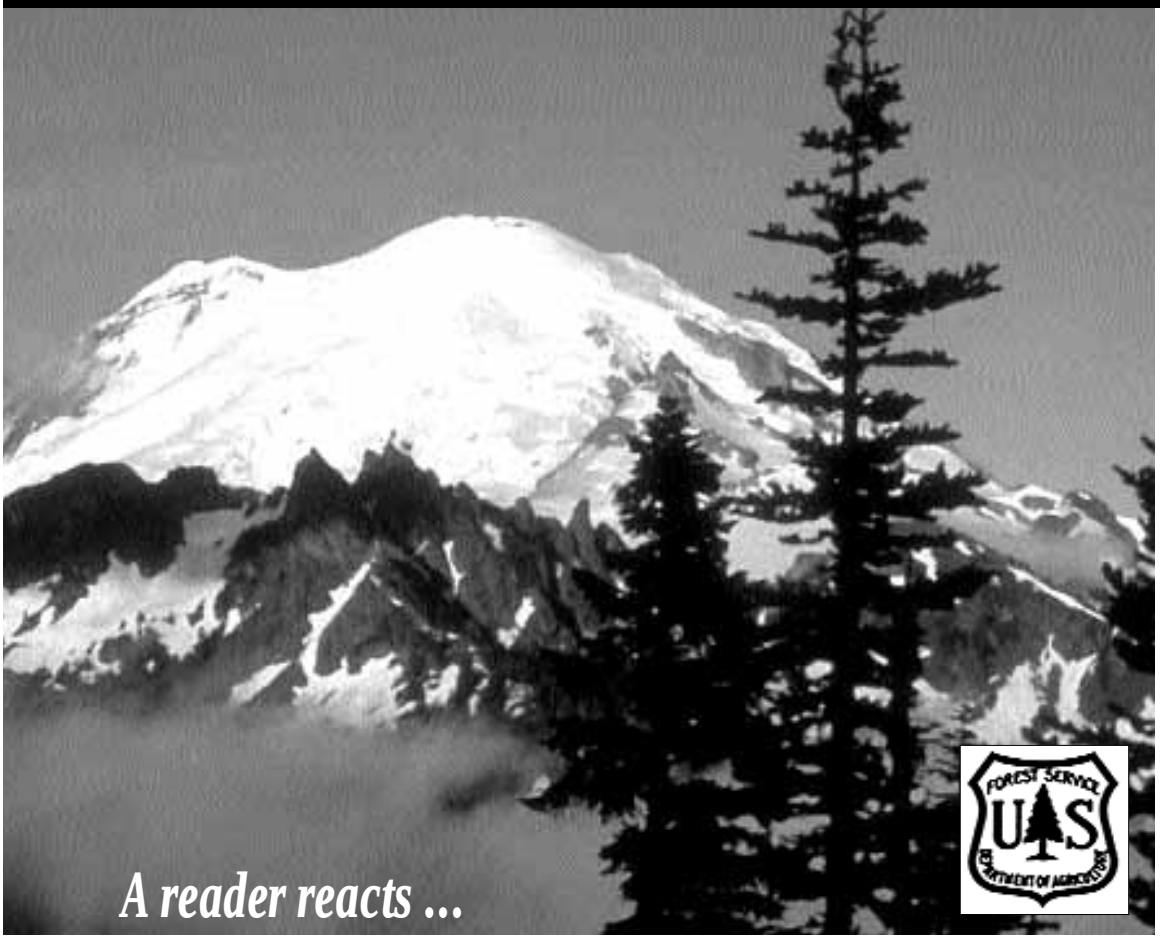

Forest Service: Analysis paralysis or lack of competency?

BY JIM RATHBUN

I read Randal O'Toole's "Analysis Paralysis" article in the February issue of *Environment & Climate News*.

Forest Service Chief Dale Bosworth and other Forest Service officials certainly have some very real problems. However, I don't believe it is the planning processes and the laws that are the problem, as much as it is the failure of the Forest Service to comply with the regulations, processes, policies, and plans that were developed by the agency in compliance with the laws.

I believe a very real problem has been the selection of people to lead the Forest Service who were never natural resource managers and were never expected to be.

Planning process worked ... for a while

The Forest Service spent three years, from 1976 to 1979, developing regulations and processes for planning for the management of the national forests in compliance with the National Environmental Policy Act and the National Forest Management Act. The planning process was implemented and it took some eight years to complete most of the forest plans.

A small number of plans were never completed, because the environmental/preservation industry could not stand to allow the effort to succeed. In fact, the plans would not have taken so long to complete had the preservation industry not sued, in the middle of the forest planning process, to make the national forest planners consider each and every potential wilderness area in the forest planning process, rather than to accept the results of the Second Roadless Area Review and Evaluation (RARE II) for planning purposes. The preservationists have recently reversed their stand on this issue.

I believe the Forest Service did a reasonably good job, perhaps even an exceptionally good job, of planning under the regulations and policies that were in effect between 1979 and 1987. Public involvement was accomplished at the local and regional level, assuring the public was well informed and well heard. The science employed in the development of issues and their resolution was never really challenged. There were no surprises when the forest plans were approved. Everyone may not have been satisfied—obviously, the preservationists were not. But no one was really surprised; and they should not have been.

The real surprise and disappointment came when the Forest Service failed to implement the forest plans in compliance with the law. Within a couple of years following their approval, the Forest Service failed to implement the plans. The timber programs were not implemented in most national forests. And, when they weren't implemented, the Forest Service failed to revise the forest plans, as required by law.

Planned timber harvests not met

As early as 1989, a number of national forests failed to meet the timber harvest volumes they committed to in their forest plans. Forest Service leadership hid behind what many of us believe is a misinterpretation of a rather obscure phrase contained in Section 13 of the National Forest Management Act:

Limitations on Timber Removal.—(a) The Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: Provided, That, in order to meet over-all multiple-use objectives, the Secretary may establish an allowable sale quantity (ASQ) for any decade which departs from the projected long-term average sale quantity that would otherwise be established; Provided further, That, any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the ASQ must be made with public participation as required by Section 6(d) of this Act. In addition, within any decade, the Secretary may sell a quantity in excess of the ASQ established pursuant to this section in the case of any national forest so long as the average sale quantity of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation.

The Forest Service leaders, apparently under some kind of political pressure, said the decadal volumes and the ASQs established in the planning process were nothing more than upper limits that could not be exceeded. I believe they based this on the first sentence in *(a)* above. They reasoned that, if the forests did not meet those volumes, it was no big deal and not worthy of a plan revision.

This was an extreme disappointment to many of us who had worked with the public in the development of as many as 12 alternatives, and the selection of one, during the planning process. A number of those alternatives could have exceeded the volumes in the selected alternative, on a long-term sustained-yield basis. But they were not selected because of multiple-use concerns. We had no idea the Forest Service leadership would take this unreasonable position. We had made a commitment.

Our assurance to the public was that if we did not implement the forest plans, we would revise the forest plans and again involve the public. The following is from Section 6(f)(5) of the NFMA:

6(f) Plans developed in accordance with this section shall—(5) be revised (A) from time to time when the secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

A voice of experience

It has been 14 years since the forest plans were approved in the Northern Region of the Forest Service. The annual timber sale volume has declined from about 1.1 billion board feet in 1987 to only 170.2 million board feet in 2001. That is on 25 million acres and 15 national forests.

On the Kootenai National Forest, the sale volume has declined from 232 million board feet of mostly green timber in 1989 to less than 70 million board feet in 2001. Also, well over 50 percent of the transportation system has been closed or restricted in some fashion on the Kootenai. How's that for significant changes in conditions on a planning unit?

Still, the Forest Service has not found these "changes in conditions" on the Kootenai National Forest planning unit to be significant enough to warrant a plan revision. This seems rather incredible to me.

"Unfortunately, the Forest Service was purged of its best people. ... I believe the real problem the Forest Service has is competency. And I don't know what can be done about that."

I find it interesting that Mr. O'Toole would even mention the testimony of Jack Thomas. In my opinion, he was the second-worst Chief the Forest Service ever had. Dombeck, of course, is the worst.

Thomas and Dombeck are both perfect examples of the danger of placing specialists in management positions. In my opinion, Thomas demonstrated his lack of competence as a leader, and his lack of credibility as a scientist, when he led the effort to prepare the Spotted Owl Management Plan, and implemented it, in the Pacific Northwest.

The public is beginning to understand the

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Federal deal-making threatens citizens' rights

BY JAMES BEERS

If you care about CARA, the Pittman-Robertson Wildlife Restoration Act, the Dingell-Johnson Sport Fish Restoration Act, and the continued management of fish and wildlife resources for the benefit of all citizens of the United States, you might be interested in what follows. If you are concerned about bureaucrats forming illegal alliances that threaten your freedom to hunt, fish, and trap, you might also find the following worthy of your time.

No accountability

Pittman-Robertson and Dingell-Johnson generate roughly $650 million per year. The laws require that each state or territory receiving money must be audited by the federal government every five years. There have been no audits of the states and territories on any cycle, much less the mandated five-year cycle, for nearly 20 years.

The acts' lead sponsors, and knowledgeable wildlife managers across the country, considered audits a crucial element in the federal government's oversight role. Honest audits were needed to keep the occasional state bureaucrat or politician from diverting funds from sportsmen to parks, prisons, and state motor pools. Audits would also ensure that profits from timber sales and other such things stayed with sportsmen-oriented pursuits.

Five years ago, as scandal and corruption overtook the U.S. Fish & Wildlife Service's (USFWS) administration of Pittman-Robertson and Dingell-Johnson, auditors were retained to complete the mandated, uniform, and thorough audits required in the two laws for the past 60 and 40 years, respectively. They were given five years to complete their investigations and file their reports.

Of the 60 required reports, 32 were completed on time ... and then the auditors were fired.

The auditors had estimated they'd need an extra six months to finalize the remaining 28 reports. The far-reaching and long-overdue investigation had required that new auditors be trained in the analysis of fish and wildlife operations. Some states refused auditors access to the financial and operations data they needed to conduct their investigations. Some USFWS administrators worked behind the scenes with state lobbyists to thwart the investigations and fire the auditors. They succeeded.

Independent and objective?

Today, boxes of draft information languish in government offices. Having fired the auditors who gathered the information—and thus are in the best position to understand, interpret, and report it—the USFWS is paying the Office of the Inspector General in the U.S. Department of the Interior millions of dollars to complete the audits.

Never mind that the Inspector General doesn't do audits, or that any auditor worth his salt will tell you no one can take reams of audit notes developed by others and write proper reports from them. And never mind that even if they were to try, state government officials would have an easy time challenging the findings, since the hands-on, investigating auditors aren't available to explain or defend their work.

In 1998, the Solicitor in the U.S. Department of the Interior advised the Inspector General and USFWS officials that:

"It would not be proper for the OIG to enter into a reimbursable agreement with FWS to perform audits of FWS grants, because such an agreement may involve an improper augmentation of OIG appropriations. In addition, the risk that this kind of agreement would have a detrimental impact on the OIG's independence and objectivity weighs against this course of action."

The Office of the Inspector General acts as a "watchdog" over the activities of Interior Department agencies, reporting to the Secretary of the Department. It's not difficult to imagine the mischief possible if the Inspector General were paid millions of dollars by USFWS—one of the agencies the IG is charged with monitoring.

It only gets worse

The impropriety of the relationship notwithstanding, USFWS continues to pursue an arrangement whereby the Inspector General's office will conduct all future audits of Pittman-Robertson and Dingell-Johnson spending in the states. By becoming USFWS contractors—paid with millions of excise tax dollars from sportsmen—the Inspector General's office will grow beyond what Congress, through the appropriations process, has authorized.

> **"There have been no audits of the states and territories on any cycle, much less the mandated five-year cycle, for nearly 20 years."**

It won't be long before the Inspector General's office is effectively under the control of an agency it is supposed to be monitoring. Once that happens, even the *potential* for accountability in the Pittman-Robertson and Dingell-Johnson programs will be lost.

Worse still, the battle over the Conservation and Reinvestment Act (CARA) is looming large again this year. USFWS officials and staffers for their lobbying group, the International Association of Fish and Wildlife Agencies, have predicted CARA will pass this year. If it takes 124 USFWS staffers to administer $650 million in Pittman-Robertson and Dingell-Johnson funds today, imagine how many it will require to administer the *billions* in CARA funds that would pass through the agency?

CARA will destroy the relationship between state conservation agencies and the sportsmen and recreationists who reside in those states. State agencies will be answerable to federal politicians and bureaucrats for their shares of CARA funding. Can we reasonably expect them to do what's best for the residents of their state, when the powerful national and urban lobby groups who call the shots in Washington want something else?

If CARA passes, expect state fish and wildlife agencies to metamorphose into mini-federal agencies. Their mixed-use, sportsmen-friendly policies will disappear, replaced by policies disproportionately favoring endangered species, roadless forests, and land acquisition. Cooperation with the National Trappers Association and Sportsman's Alliance will be replaced by unpublicized meetings with the Fund for Animals, Humane Society of the U.S., PETA, and Animal Protection Institute.

For 30 years, I worked as a state and federal employee in wildlife management. Though no longer my job, it remains my passion. I don't like what I see these days, and I pray that each of you who care as much as I do will do your best to set things right.

Jim Beers is a retired wildlife biologist and refuge manager of the U.S. Fish & Wildlife Service.

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mindset of wildlife biologists, and their commitment to agendas, rather than to science, as we uncover the exploits of the lynx, grizzly bear, and suckerfish biologists. [See "Gov't researchers caught planting false ESA evidence," *Environment & Climate News*, February 2002.] I believe it started the very day the Endangered Species Act was signed.

When I was the deputy forest supervisor in the Klamath National Forest, 1981-1983, I saw two spotted owls while in the forest. Both of them were adjacent to clearcuts that were under five years old. I assume the owls were perched adjacent to the cut areas because of the forage base provided by the opened areas.

I also participated in a spotted owl training session in the Gifford Pinchot National Forest. We accompanied two young spotted owl researchers out into the forest to locate two spotted owl electronic devices. We located both of them. Both were sitting on the bottom crown branches of second- or third-growth Douglas fir trees about 40 feet off the ground. Not in "old growth," but in second/third growth, about 22 inches in diameter.

But still, people like Jack Thomas push the old growth myth. Talk about a change in conditions on a planning unit! How many of those national forests affected by the Spotted Owl Recovery Plan have revised their forest plans?

Two of Jack Thomas's suggestions to improve planning are ridiculous. A Land Law Review Commission, consisting most likely of politically appointed shills, would just further politicize the process. Emphasizing "collaboration" with the likes of the preservation industry would not work either. While the preservationists are at the table "collaborating in good faith," their compatriots would be in the courtrooms filing lawsuits to stop any meaningful and productive management of natural resources—the same thing they are doing today.

The administration could change the planning regulations and, perhaps, improve the planning process. But that is unlikely, considering the people they have available to do that.

I believe the best thing the Forest Service and the administration could do is to comply with the planning regulations as they are written. The key word is "comply." No planning process is any good if the agencies do not comply, and Congress allows them not to comply.

Unfortunately, the Forest Service was purged of its best people. Both Thomas and Dombeck made that happen. I believe the real problem the Forest Service has is competency. And I don't know what can be done about that.

Jim Rathbun is the retired Forest Supervisor of the Kootenai National Forest.

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U.S. government continues to stiff Montana

BY WILLIAM PERRY PENDLEY

In the summer of 1996, President Bill Clinton traveled to Yellowstone National Park to announce that his administration, in concert with environmental groups, had killed hundreds of jobs in southern Montana and northern Wyoming.

The New World Mine, a world-class ($650 million) deposit of gold, silver, and copper in an area heavily mined since Europeans came west, would never open. Crown Butte Mines agreed to ensure the reclamation of the land, which had experienced decades of mining activity by other companies. In exchange, Crown Butte was promised $65 million worth of federal property.

But federal officials could not identify any such property, so Congress appropriated the funds to pay Crown Butte instead. Recognizing that Montana, the nation's poorest state, had been dealt a severe economic blow by the mine's failure to open, Congress mandated some recompense. The Secretary of the Interior was to give Montana either $10 million in federal mineral rights as agreed to by the Secretary and Montana's Governor, or all rights in 533 million tons of federal coal in the "Otter Creek tracts."

Then-Governor Marc Racicot told then-Secretary Bruce Babbitt that Montana wanted the Otter Creek tracts within Powder River County, one of the nation's most productive coal mining regions. Babbitt refused, saying the congressional mandate created a "windfall" for Montana. Undeterred, Racicot pressed for transfer of the Otter Creek tracts.

Attorneys promise he'll comply

In 1998, landowners near Ashland, in Montana's poorest region, sued to force Babbitt to comply with federal law by transferring the Otter Creek tracts. They argued that Babbitt's well-publicized characterization of the coal transfer (Babbitt told a U.S. Senate committee what he told Racicot) proved Babbitt had no intention of complying with the law.

> **"Recognizing that Montana, the nation's poorest state, had been dealt a severe economic blow by the mine's failure to open, Congress mandated some recompense."**

Federal attorneys asserted that negotiations had begun, that negotiations were continuing, and that Babbitt would comply with federal law on or before New Year's Day 2001. Given these assertions, a Washington, DC federal district court, in September 1999, dismissed the case as not ripe; that is, Babbitt had not yet violated the law and had indicated he would comply.

On December 22, 2000, Secretary Babbitt wrote to Governor Racicot advising him, once again, that Babbitt had no intention of transferring the Otter Creek tracts to Montana and would not, under any circumstances, do so. The letter did not arrive in Montana until after Inauguration Day 2001. By then, Montana had a new governor, Judy Martz, who went to Washington, DC for President George W. Bush's swearing in.

While there, Governor Martz met with Gale Norton, Secretary of the Department of Interior, to whom she communicated Montana's request for immediate transfer of the Otter Creek tracts. Governor Martz repeated that request in a letter dated February 1, 2001. A year after that letter was signed, Secretary Norton has yet to transfer the Otter Creek tracts to Montana, a year and a month after the transfer was to have taken place.

Blackmail in the courts

Meanwhile, on January 25, 2002, the Northern Cheyenne Tribe filed a lawsuit in Washington, DC to prevent Norton from doing what Babbitt should have done in 1998, or 1999, or 2000, and what Norton should have done days after being sworn-in, given as how the deadline was January 1, 2001.

> **"[Interior] Secretary [Gale] Norton has yet to transfer the Otter Creek tracts to Montana, a year and a month after the transfer was to have taken place."**

Although the tribe is seeking an order compelling Norton to conduct a lengthy environmental review before transferring the coal, the tribe's attorney stated the real reason for the lawsuit is to force Montana to meet the tribe's demands for employment and contracting guarantees. If the attorney's statement is accurate, and for a host of other reasons, the lawsuit should be dismissed. Whether federal lawyers will file a motion to dismiss is unknown.

In 1996, when Clinton stood before the media and smiling environmentalists to announce the death of hundreds of high-paying jobs, he enthused, "What a happy day." It has not been a happy day economically in southeastern Montana for many years. Worse yet, the happy day envisioned by Congress when it mandated the coal transfer appears far away.

William Perry Pendley is president and chief legal officer of the Mountain States Legal Foundation.

Conservation with common sense

BY MARILYN F. HAYMAN

Several years ago, Citizens for Responsible Zoning and Landowner Rights warned that Wisconsin state agencies were proposing an expensive new sewer code. Thousands called legislators and agencies to protest. The code was dropped, the law changed. That's People Power.

Now there is a greater threat to Wisconsin citizens—"smart growth"—described as "one of the most comprehensive pieces of land-use legislation considered in this state during the last 50 years."

Although smart growth was approved by the state legislature, it was not "considered" by the legislature. It was developed by special interest groups and quietly slipped into the 1999 budget. Smart growth wouldn't have passed the legislature. It had to sneak in the back door.

> **"If the state is going to withhold funds, why should towns follow the state's smart growth dictates?"**

Under the smart growth law, every Wisconsin township must complete a comprehensive plan, so detailed it will require hiring a consultant. The state will determine whether township plans meet the letter of the law. That's not "local control," as advertised; it's state control: state management of private land.

Most townships expect little growth and have little need for elaborate planning. At a meeting in Baldwin, consultant fees were quoted at $40,000 to $80,000, and even that was just a beginning. How many townships can afford a fraction of such costs?

Now, Governor Scott McCallum has announced he wants to "force basic change." By 2004, he intends to withdraw all state revenues from local governments. Townships won't survive. It looks like he intends to eliminate township government. Will counties be next?

Town government provides basic services to every property owner. This, thankfully, is done with no frills, as most town officials are frugal. If the Governor wishes to reduce debt, he shouldn't do it at the lowest level. We already pay exorbitant county and state taxes. Start reducing debt at the county and state level: They spend the really BIG bucks.

The state mandates many expensive programs; now they want to pull the plug. If the state is going to withhold funds, why should towns follow the state's smart growth dictates? Fortunately, most townships are holding back, not rushing to implement a plan.

Once again, people of Wisconsin must speak up. Tell your legislators they must address the smart growth issue. They have authority to make changes to protect property owners and townships.

You have the power: People Power. Please use it.

Marilyn F. Hayman is chairman of Citizens for Responsible Zoning and Landowner Rights, based in Maiden Rock, WI.

NewWorld Mining District Mine Entry. http://www.maximtechnologies.com/newworld/photoS.htm

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Letters to the Editor

Dear Mr. Taylor:

I have just read your editorial ["When proselytizing goes too far," *Environment & Climate News*, February 2002] and I suggest that where you went wrong was to allow such drivel to be espoused without immediate challenge! Public condemnation, in their faces, is the only way that your children will understand your passion for truth. I would be at the principal's office demanding the immediate termination of the teacher you cited in your editorial. Then I would next present myself to the superintendent of schools and similarly demand the termination of the teacher and the principal for not controlling the curriculum. What is unconscionable is that both instances you mentioned went unchallenged when they occurred. Bluntness is a virtue. Use it. History is full of instances where "reasonable people" had a chance to stop atrocities by speaking up and remained silent out of "politeness."

Cheers,
Chuck Patten

Dear *Environment & Climate News*:

Thank you! You are a bright and honorable voice from the darkness. Please, keep up the excellent articles so desperately needed.
Jeannine Gay

Dear Mr. Taylor:

Your editorial in the February 2002 edition of *Environment & Climate News* was a cogent reminder of the mis-education (nay, indoctrination) that is epidemic in today's society, particularly among the extremists and their proselytes in the environmental movement. What was disappointing to me was your lack of a proper response to the obvious errors by the young guide. Indeed, your children may come home to you and tell you they are ashamed of their father. Could you blame them if YOU failed to correct those who feed them misinformation?

A few years ago, a young woman was demonstrating various wild animals at a breeding zoo in Arizona. She was exhibiting a small alligator, and in her talk said that we should refrain from buying anything made from their hides. With my children, I confronted her and explained that what she had said could contribute to their demise. I explained that those animals lacking any benefit to human beings are far less likely to be protected than those that have value. I pointed out that the whitetail deer in Pennsylvania were essentially wiped out at the turn of the 20th century, and were brought back by sportsmen who were interested in their value for recreational hunting. I cited other game species across this nation as other examples. I said that she could make that point by buying some alligator shoes and a handbag before she gives the same talk! She was quite receptive, and did not dispute my reasoning.

Mr. Taylor, you and your friend cited in your article erred by failing to confront those who preach the extreme environmental gospel. Had your friend met with the teacher and the principal, and showed the note from his son, and DEMANDED an apology and retraction in front of the class the following day, his son would have viewed his father in a different light. The real threat of a lawsuit for slander shapes up those in public education (I taught Chemistry for 30 years).

In closing, we cannot allow the extremists carte blanche in environmental matters, or the war is lost. Attack where appropriate!

Sincerely yours,
Gordon F. Santee

(Taylor notes: My friend had indeed visited his son's school after the incident and called the teacher and the principal onto the carpet for the teacher's behavior. I, on the other hand, missed an opportunity to set the nature-walk guide straight.)

Dear Editor:

I would like to thank you for giving the scientific truth to your readers. I have been an activist since 1995 when I realized the agendas of the people who falsify information to push their agendas. Your publication is the best source of information available. About two years ago I distributed copies of your publication to friends to alert them to the truth. Thank you very much and keep up the good work.
William G. Waters

Mr. Taylor:

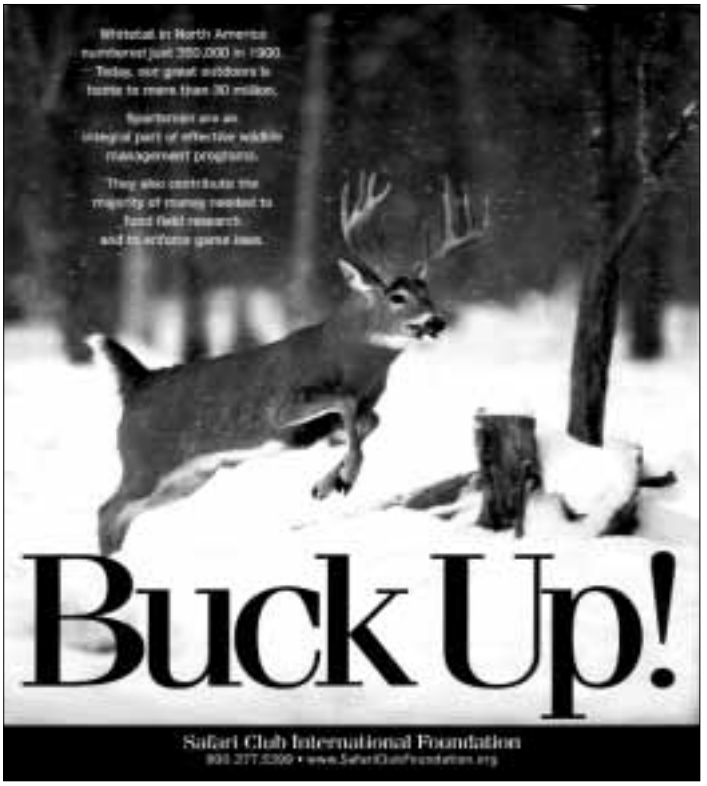
Don't you think your presentation of ideas is a little skewed toward the conservative/Republican Party? The Republican Party has had their share of out-dated ideas not based in logic or science, but your paper never presents them. If a Democrat has a proposal, you seem to only quote the people who are against it. If your objective is to preach the mantra of the energy (oil, coal, and nuclear) and biotech lobby then you're doing a great job. However, if your objective is to sway public opinion by citing ALL the facts of an argument, you're doing a really poor job. If you're going to claim that The Heartland Institute is "nonpartisan" it would be good to start presenting the facts and history that is conveniently left out of most of your articles.
Victor Rodriguez

Taylor replies: Mr. Rodriguez, thank you for your comments. E&CN *is committed to sound science governing environmental policy, rather than the interests of any particular political party or lobbyist group. If politicians from one party or another tend to side with sound science regarding environment issues, all the more power to them. Oh, and by the way, I'm not a Republican.*

Dear Heartland Institute:

I have enjoyed receiving and reading *Environment & Climate News* for some time now.

I am interested in the environment, but am sick and tired of the psuedo-science wackos and the outright false information and lies they spiel.
Sincerely,
M.D. Schap



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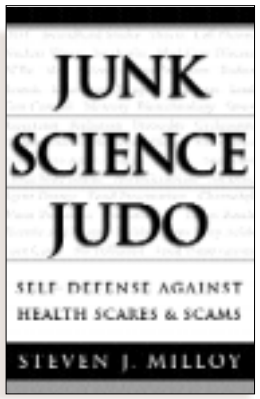

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EDITORIAL

Bush gives Enron the last laugh

BY JAMES TAYLOR

The irony is thick. Just months after the firm imploded and during a week that saw its senior executives slapped around by Congress, Enron's fondest dreams have been granted by President George W. Bush.

For years, Enron lobbied hard for U.S. ratification of the Kyoto Protocol on global warming or a domestic cap-and-trade policy for carbon dioxide, the leading greenhouse gas. The Kyoto plan would have required the U.S. to reduce its CO_2 emissions to 7 percent below 1990 levels by the year 2012. A cap-and-trade program would attempt to accomplish the same or similar result by forcing coal-burning utilities to pay billions of dollars for permits allowing them to continue to emit CO_2.

Enron wanted emissions trading for CO_2 because caps would raise the market price for all energy. Enron supplied natural gas, and thus would reap tremendous profits both coming and going—from selling CO_2 permits, and then from selling its own energy to U.S. consumers at higher prices.

Even after the U.S. Senate in 1997 unanimously rejected the Kyoto Protocol, Enron for years lobbied hard for Kyoto or a similar program that would enrich the company and a few industry buddies at the expense of the American public.

When President Bush announced his global warming program in February, Enron's defrocked "masters of the universe" got the last laugh on the American public.

The Bush proposal would for the first time commit America to reducing carbon dioxide and other so-called greenhouse gas emissions. Although the proposals create technically "voluntary" incentives, the incentives are created by a false market that caps permissible CO_2 emissions, hands out massive taxpayer dollars to companies that comply in reducing CO_2 emissions, and allows companies to trade their suddenly valuable CO_2 permits.

While the cap-and-trade approach is economically preferable to more arbitrary measures, the President's approach nevertheless represents a misguided attempt to solve a nonexistent problem.

Scientific evidence casts extreme doubt on global warming theory. Since the start of the industrial age, atmospheric CO_2 concentrations have risen from 280 parts per million (ppm) to 370 ppm. Yet surface temperature readings indicate the planet warmed by merely a single degree Fahrenheit last century. That single degree of warming is well within the range of natural global temperature variations. Satellite sensors suggest that even this small increase is a false reading, caused by local sources of heat contaminating on-the-ground temperature stations.

The lack of scientific evidence in support of global warming theory is grounds enough to oppose any "global warming" policy. But equally compelling are the exorbitant costs involved in "solving" the nonexistent problem.

"[President Bush's] ... 'global climate strategy' is no more necessary than Kyoto ... or, for that matter, a 'global sunspot strategy' or a 'global wind strategy.'"

The U.S. Energy Information Administration (EIA) estimates gasoline prices would rise roughly 53 percent under Kyoto. The EIA further estimates electricity prices would nearly double as a result of Kyoto. Wharton Economic Forecasting Associates estimate home heating oil costs will rise 95 percent.

While President Bush's "cap and trade" program would be less expensive than Kyoto, the economic costs would still be formidable, especially regarding energy prices and the costs of expensive tax incentives given to industry. Moreover, Congress will surely incorporate more expensive "compromises" with Kyoto in addressing the proposal.

Finally, the announced Bush program's effect on global temperatures would be minimal at best. Even assuming an alarmist global warming theory, the Kyoto Protocol would have had a barely detectable impact on global temperatures: 94 percent of the projected warming would still occur even if Kyoto were fully implemented. The watered-down Bush approach would be still less effective.

President Bush was absolutely right to withdraw the U.S. from further negotiations over the Kyoto Protocol, an unnecessary and hopelessly flawed treaty. But his own "global climate strategy" is no more necessary than Kyoto ... or, for that matter, a "global sunspot strategy" or a "global wind strategy."

Global warming and emission trading should be allowed to follow Enron into the dustbin of history. The President, alas, seems determined to drag American workers and consumers to that destination as well.

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